

THE NEWER JUSTICE AND THE COURTS

ANNUAL REPORT
and
PROCEEDINGS OF TWENTY-FIRST ANNUAL
CONFERENCE

of the
National Probation Association

Held in
DES MOINES, IOWA, MAY 9-11, 1927

Published by the
National Probation Association, Inc.
370 Seventh Avenue, New York

1927

TO GIVERS

*“Servants of God! — or sons
Shall I not call you? because
Not as servants ye knew
Your Father’s innermost mind,
His, who unwillingly sees
One of His little ones lost —
Yours is the praise, if mankind
Hath not as yet in its march
Fainted, and fallen, and died!”*

MATTHEW ARNOLD

Sociology
Fayou
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NATIONAL PROBATION ASSOCIATION, INC.

ORGANIZED 1907, INCORPORATED 1921

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OFFICES: PENN TERMINAL BLDG., 370 SEVENTH AVE.,
NEW YORK, N. Y.

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Appointed by President Platt

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MARY E. McCHRISTIE, Referee, Court of Domestic Relations, Cincinnati, Ohio, *Chairman*.
HON. JAMES AUSTIN, JR., Judge, Domestic Relations Court, Toledo, O.
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HON. L. B. DAY, Judge, Juvenile and District Courts, Omaha, Neb.
HON. CHARLES W. HOFFMAN, Judge, Domestic Relations Court, Cincinnati, O.
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CHARLES ZUNSER, Secretary, National Deserption Bureau, New York City.

Ex-officio

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HELEN D. PIGEON, Executive Secretary, International Assn. of Police
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Madison, Wis.

NATIONAL PROBATION ASSOCIATION, Inc.

BY-LAWS

**Adopted May 31, 1919. Amended April 14, 1920, June 21, 1921,
June 22, 1922, June 9, 1925**

ARTICLE I—NAME

The corporate name of this organization shall be the National Probation Association, Incorporated.

ARTICLE II—OBJECTS

The objects of this Association are:

To study and standardize methods of probation and parole work, both juvenile and adult, by conferences, field investigations and research;

To extend and develop the probation system by legislation, the publication and distribution of literature, and in other ways;

To promote the establishment and development of juvenile courts, domestic relations or family courts and other specialized courts using probation;

To cooperate so far as possible with all movements promoting the scientific and humane treatment of delinquency and its prevention.

ARTICLE III—MEMBERSHIP

The membership of the Association shall consist of persons and organizations who apply for membership and are accepted by the Board of Directors and who pay dues annually. Members shall be classified as active members, contributing members, supporting members, sustaining members, patrons, life members, and organization members. Active members shall be those who pay dues of \$2.00 or more a year; except that when arrangements are made for the affiliation of all the members of a state or local association of probation officers, paying joint dues in the local and national association the Board of Directors may authorize a reduction of dues for active membership. Contributing members shall be those who contribute \$5.00 or more annually to the Association. Supporting members shall be those who contribute \$10.00 or more annually to the Association. Sustaining members shall be those who contribute \$25.00 or more annually to the Association. Patrons shall be those who contribute \$100.00 or more during a single calendar year. Life members shall be those who contribute \$1000.00 or more to the Association. Organization members shall consist of organizations, courts or institutions which shall contribute \$10.00 or more annually to the Association. Members who fail to pay their dues after reasonable notice in writing by the Treasurer or General Secretary shall thereupon cease to be members.

ARTICLE IV—OFFICERS

The officers of the Association shall consist of a President, Vice-President, General Secretary, Treasurer and Board of Directors. The President and Vice-President shall be elected by ballot at the annual meeting of the Association. They shall serve one year and until their successors are elected. The General Secretary and the Treasurer shall be elected by the Board of Directors and shall serve during its pleasure. The Board may elect honorary vice-presidents in its discretion who shall serve during its pleasure.

ARTICLE V—DUTIES OF THE OFFICERS

The President shall act as Chairman at all business meetings of the Association. In the absence of the President, the Vice-President shall so act. The General Secretary shall be the chief executive officer of the Association. The treasurer shall have charge of the finances of the Association and shall report thereon to the Board of Directors.

ARTICLE VI—BOARD OF DIRECTORS

The Board of Directors shall consist of twenty-eight members so elected that the terms of seven shall expire each year. At each annual meeting of the Association seven directors shall be elected by ballot. The Board shall elect its Chairman annually. The Board may fill a vacancy occurring among the officers or the Board of Directors until the next annual meeting of the Association, at which time a successor shall be duly elected for the unexpired term.

ARTICLE VII—DUTIES OF DIRECTORS

The Board of Directors shall have general direction of the work of the Association and shall administer the funds of the Association. It shall report to the Association at the annual meeting and at such other times as the Association may require.

ARTICLE VIII—EXECUTIVE COMMITTEE

There shall be an Executive Committee consisting of seven members of the Board of Directors. Such Committee shall consist of the Chairman of the Board who shall act as Chairman of the Committee, and six members of the Board to be appointed by the Chairman annually. Such Committee shall have the powers and perform the duties of the Board of Directors between its meetings, subject to the approval of the Board. Three members shall constitute a quorum.

ARTICLE IX—OTHER COMMITTEES

A Nominating Committee consisting of five members of the Association shall be appointed by the President each year to nominate the officers to be elected by the Association. Such standing and special committees as may be authorized by the Association or the Board of Directors shall be appointed by the President.

ARTICLE X—MEETINGS

The annual meeting of the Association shall be held on the third Tuesday in May or on such day as may be determined by the Directors. Special meetings may be held as determined by the Directors. Ten members shall constitute a quorum. Meetings of the Board of Directors shall be held as it may determine. Seven members shall constitute a quorum of the Board.

ARTICLE XI—AMENDMENTS

These by-laws may be amended by a two-thirds vote of the members of the Association present at the annual meeting, subject to the approval of the Board of Directors.

MINUTES OF BUSINESS

Transacted at the Annual Conference of the Association, Des Moines, Iowa, May 9-11, 1927

The Twenty-first Annual Conference of the Association registered 199 persons, coming from 29 states, Canada and Cuba. Fifty-two new members enrolled in the Association and 48 renewed their membership.

Seven sessions were held, attended to capacity, besides which were given a general luncheon, with over 200 present, a dinner for judges, and two special dinners and a luncheon in charge of committees of the Association.

The following transactions took place:

At the first session a handsome gavel made of Utah copper and native Utah pine was presented by Judge Fred R. Morgan of Salt Lake City to the General Secretary as proxy for President Charles Platt for whom the gavel was specially made. Following acceptance, the Conference voted that a telegram be sent to President Platt, expressing the affection and esteem of all members of the Conference and their regret that he was unable to be present on account of illness.

Committee activities for the year were reported on by the Committee on Domestic Relations Courts, the Committee on Records and Statistics, and the Committee on Runaway Children, respectively.

A report of the work of the Association during the past year was made by the General Secretary representing the officers and Board of Directors.

A Committee on Resolutions was appointed with the following members: Judge L. B. Day, Chairman; Mrs. Katherine A. Gibson, Ralph H. Ferris, Frank S. Drown, Percy A. Sharpley.

Resolutions were drawn up by this Committee which were read before the Conference by Judge Day, discussed by the Conference and adopted. The resolutions appear on a later page.

A Committee on Nominations was appointed consisting of: William F. Lynch, Chairman; Judge Fred R. Morgan, Judge Paul W. Guilford, Mary E. McChristie, Esther A. Johnson.

A report was given by the Chairman of this Committee, and the following officers of the Association were unanimously elected for the coming year:
President—Dr. Charles Platt.
Vice-President—Judge Mary M. Bartelme.

The following former members of the Board were re-elected for four-year terms:

Dr. Charles Platt, Dr. Miriam Van Waters.

The following new members were elected to the Board for four-year terms to take the place of those whose terms expired this year: Hon. George C. Appell, Judge, Westchester County Children's Court, Mt. Vernon, N.Y.; Hon. George H. Day, Judge, Juvenile and City Courts, Hartford, Conn.; Hon. L. B. Day, Judge, District Court, Omaha, Neb.; Professor Raymond Moley, Columbia University, New York; Joseph P. Murphy, Chief Probation Officer, Essex County, Newark, N. J.

**Resolutions Adopted by the National Probation Association
at Des Moines, Iowa, May 11, 1927**

WHEREAS, the National Probation Association has formulated standards for probation, administration and practice, such standards having been published in the proceedings of the Association in 1917; and

WHEREAS, there has been a steady demand for higher standards, and marked progress has been made in organizing and service in recent years:

RESOLVED: That a committee be appointed by the President to prepare a series of standards and rules for the organization and administration of probation work generally.

RESOLVED: That this Association endorses the work and the report of the Committee on Domestic Relations Courts, and recommends the continuance of the Committee, with power to add to its number and to appoint an Executive Committee, and that it continue its work to develop standards and recommendations based on the data secured by this Association and the Children's Bureau.

RESOLVED: That this Association commends the work of the Committee on Records and Statistics for its case record forms, juvenile and adult, which have been published and distributed by the Association, and that we recommend the continuance of this committee.

RESOLVED: That this Association approves and endorses the report and plans offered by the Committee on Runaway Children and that this Association urges that juvenile courts cooperate by assisting with the plans of the committee by adopting the agreement recommended by the committee, and that they keep statistics on this matter; that the work which the committee has started shall be taken over by the National Probation office, and that the office of said Association continue the study of the situation.

RESOLVED: That this Association approves the work of organizing a National Council, and urges the development of State Probation Associations and their affiliation with the National Probation Association; that this Conference urges the extension of State Departments or Bureaus, with responsibility and commensurate powers to effectively supervise and develop probation and to have a voice in determining probation personnel.

RESOLVED: That this Association commends the splendid field work of the Association; that it especially commends the splendid surveys that have been made within the last year and that are in the process of being made; that the Association recognizes the value of this work and recommends that it be continued and further extended, and that this Association urges upon its members the importance of securing the benefits of the field work of the Association.

WHEREAS, our President, Dr. Charles Platt, has served the Association during the past two years with unusual zeal and fidelity; and

WHEREAS, serious illness prevents his participation with us this year;

RESOLVED: That we express our sincere appreciation of his work and services for the Association, our regret that he cannot be with us, and our heartfelt wishes that he be speedily restored to health.

WHEREAS, the twenty-first Annual Conference of the National Probation Association is about to come to a close, and said Conference has been a very successful one;

RESOLVED: That the thanks of this Association be extended to the Local Committee, the Chamber of Commerce, the press, the management of the Hotel Savery, the speakers of the various programs and all organizations and individuals, both public and private, and the officers of the Association, who have contributed so well to the success of the Conference. The Association wishes particularly to thank the people of Des Moines for their unprecedented entertainment and their untiring efforts to make this Conference a success.

ANNUAL REPORT

For the Year Ended March 31, 1927

To the Members of the National Probation Association:

The past year has been one of especial importance in the development of probation and social court work in America. The outstanding fact is that in spite of a marked popular reaction (if we may judge from the newspapers in many parts of the country) directed against modern methods of crime treatment: the indeterminate sentence, parole, psychiatric examinations and, to a lesser degree, probation,—this service has continued to advance. The "crime wave" agitation has undoubtedly been a factor in increased public interest in probation. A marked tendency toward constructive interest in probation as one of the most important measures for treatment and prevention of crime has shown itself even on the part of crime commissions. Although these were largely created in response to a demand, particularly from business interests, for greater severity in the treatment of the criminal, the members of these commissions and increasingly the thinking public, are, through studying the problem, coming to the conclusion that *mere* increase in severity or even celerity of punishment, without individual diagnosis and appropriate treatment of the offender, never has prevented and never will prevent or cure crime.

Hence, probation agencies with knowledge of the causes and conditions of crime gained from studying offenders, and with a method which, when properly applied, reaches the causes and applies successful individual treatment, are being called upon increasingly by crime commissions and the public to render service. The National Probation Association has been asked to cooperate with four of these commissions during the past year and expects to be increasingly so utilized in the future.

Although the advocates of the probation service have had to be on the defensive during the past year and this has retarded progress, the number of marked advances both in legislation extending probation work and in administrative machinery have far exceeded the losses. In the ten state legislatures meeting in

1926 two enacted laws limiting probation and two aided it. Massachusetts enacted a statute forbidding the placing on probation in the lower courts of offenders convicted twice of a felony. The discretion of the higher courts remains unlimited and the principal effect of the law is to encourage appeals. Two other statutes in Massachusetts have proven beneficial in providing prompt return of probation violators and furnishing the courts with more adequate criminal records.

New York last year passed a measure which the Association opposed providing that no one convicted of a felony while armed could be placed on probation.

On the other hand, Rhode Island extended the jurisdiction of the juvenile courts and provided for a full time State Probation Officer with increased funds,—as a result of which the entire probation service of the state has been reorganized and greatly improved in personnel during the past year.

New Jersey enacted a measure providing a retirement allowance for probation officers after twenty years' service, a plan which should be extended throughout the country.

It is hoped that the movement which has appeared in several states to restrict probation by law has somewhat spent itself. In the 1927 legislatures meeting in many states, bills of this character were introduced but at this writing have nowhere passed. Regrettably, in New York, measures which would have strengthened greatly the organization of probation in the state and in New York City failed of passage, but measures which would have restricted probation also failed. In Indiana, as a result of a strenuous campaign conducted by the Association, an excellent adult probation law authorizing judges throughout the state to appoint adequately salaried probation officers was enacted. We believe that the probation service needs encouragement and greater support but more especially at this time it needs an improved personnel, better administration and stronger state supervision.

The gains in improved administration have been numerous during the past year. In aiding many of these the Association has played an active part. The year has seen the organization of the first publicly supported probation department in the New York Court of General Sessions, with a higher standard of salaries than has previously been established anywhere. More adequate salaries for chief probation officers have been provided in Essex County, New Jersey, Chicago and a number of other

large jurisdictions, enabling the appointment of well trained, experienced men. The general level of salaries has been increased throughout the country and in many quarters there is a demand for better qualified personnel. The work of state commissions or boards supervising probation has been extended and is becoming more effective.

Our Field-Work Department

Through the donation from the Commonwealth Fund for extending our field work, which became available in May, 1926, the Association has been able greatly to expand its activities in the field. Besides Mr. F. H. Hiller, whose work has continued throughout the year, two additional field secretaries, Mr. Ralph E. Drowne and Miss Carolyn Boone, were added to the staff early last fall. These workers have been in the field almost continuously, responding to increased demands for service and assistance in extending and improving probation work. Following are the principal activities:

Michigan. At the invitation of the Michigan State Conference of Social Work a detailed study of juvenile courts and adult probation was made in eleven counties containing the larger cities other than Detroit. In addition, with the cooperation of the Michigan State College, we made studies of five of the smaller rural counties. The field work was completed in July,—four months being devoted to it by Mr. Hiller and one month by Mrs. Smith, Assistant Secretary. Detailed reports were prepared and sent out to a large number of interested people in each county. A general report was also prepared and presented at the State Conference in the fall. Subsequent visits have been made to a number of counties in which local committees appointed as a result of the surveys have been very active. Besides the interest aroused, which we trust will result later in improved supervision of the work throughout the state, some definite results have been obtained. These may be briefly mentioned as an illustration of what work of this character can accomplish:

In Genesee County (containing the city of Flint) as a direct result of the survey and subsequent active efforts of our committee, two additional probation officers, a man and a woman, were appointed and are now serving.

In Jackson County (Jackson City) as a result of the survey, a man probation officer was added to handle boys in the juvenile

court (previously only one woman probation officer being employed); in addition, the salary of the adult probation officer was increased.

In Calhoun County (Battle Creek) following the study there, an officer was appointed to handle adult probation and investigation in divorce cases.

In Bay City and in Ann Arbor committees are now at work to secure improved facilities. In two other counties officers have been replaced by better trained men who are endeavoring to carry out the recommendations of the surveys.

Connecticut. At the invitation of the Connecticut Child Welfare Association and the State Probation Officers Association, we undertook a study of the juvenile courts and adult probation in the larger Connecticut cities. The Child Welfare Association assisted by paying traveling expenses of our field workers, and in other ways. Studies were made by Mr. Hiller in the cities of Waterbury and Norwich; by Mr. Drowne in the city of New London; and by Miss Boone in the cities of Ansonia, Derby and Bridgeport. Written reports were prepared for each city and circulated among judges, probation officers and others interested. In each city a local committee has been appointed. Meetings at which the findings of the studies were presented, were held in several of the cities. Local judges and others have expressed much appreciation of the assistance given by our representatives. Definite improvements, especially in the handling of children before the court and while in detention have already been made. In one city, private hearings for children's cases have been substituted for the former public trial. We are continuing work with these committees and definite improvement in personnel may be anticipated.

Pittsburgh. At the invitation of the judge of the Juvenile Court and the Federation of Social Agencies, an intensive study of the work of the juvenile court was begun in January. Mr. Hiller has given three months to the work and was assisted in statistical and case study by Mrs. Smith for the period of one month. We have had excellent cooperation from the probation staff and from all social agencies. As an immediate result of the work, we have assisted in conducting a competitive examination for the appointment of six new probation officers, it being the first examination for probation officers ever held in Pennsylvania. A list of well qualified officers has resulted.

Indianapolis. At the invitation of the Council of Social

Agencies and with the cooperation of a special committee of the Indianapolis Bar Association, we began in January a study of probation work in both juvenile and adult courts. The Indianapolis Foundation assisted with an appropriation which in part covered the cost. The work was started by the General Secretary assisted by Mr. Drowne. The latter has been continuously employed here for over two months. An opportunity and urgent need arose to secure needed legislation establishing adult probation. The adult courts in Indiana have never had an adequate probation law, the law providing practically only for suspended sentence and parole of certain offenders in charge of the state penal institutions. The adult courts have never had any power to appoint probation officers. We prepared a bill based on our model probation law, and after an intensive campaign in the Legislature, assisted by an active local committee, we secured its passage and the Governor's approval. We have been recently arranging for an examination for new probation officers to be appointed immediately under the law in the Municipal and Criminal Courts of Indianapolis. An excellent local committee has been formed here to receive the report of the survey and to assist in carrying out improvements.

In addition to these major efforts, representatives of the Association have visited many courts and have carried on much special work. The following may be specially mentioned:

The General Secretary held several conferences with representatives of the Department of Public Welfare in Columbus, Ohio, and has assisted in developing a State Bureau of Probation.

In Wisconsin, following our survey of the previous year, several visits have been made and conferences held with the State Board of Control and others. We have drafted a bill providing for county probation service which has been introduced in the legislature.

In a visit to Atlanta in the fall, the General Secretary met with a special committee, visited courts and assisted the Children's Code Commission in preparing amendments to the Juvenile Court Law.

Addresses were made by the General Secretary at the Smith College Summer School; at the annual conference of the American Social Hygiene Association and the Regional Child Welfare Conference in Atlanta; at the State Conference of Social Work in Iowa and Nebraska; at the American Prison Congress in Pittsburgh, and elsewhere. President Platt has delivered many

addresses for the Association; among others, before the American Prison Congress, the American Association for the Advancement of Science at Philadelphia, the Recreation Congress at Atlantic City, the Massachusetts Conference of Social Work, and elsewhere.

Probation Institutes

The General Secretary conducted a week's course of lectures for probation officers and social workers at the Alabama College for Women. Mr. Hiller conducted a three-day institute on probation methods in connection with the Ohio State Welfare Conference.

Federal Probation

We have conducted active work to make the Federal Probation law of 1925 effective. This has entailed numerous visits to Washington. We prevailed upon the Department of Justice to increase the salaries to be paid the first probation officers to a minimum of \$2,400, a lower figure having been fixed by the Budget Committee. In active cooperation with the United States Civil Service Commission we assisted in preparing the announcement for the examination for paid probation officers and advertising it; prepared the written questions used and conducted the oral examination of candidates in 7 states. We submitted a list of districts in which paid probation officers should be appointed first which was approved by the Department of Justice. We conferred with many federal judges. At the request of the Department of Justice we prepared a series of seven blanks for probation officers' case records and reports to the Department. We also prepared a Manual of Instructions covering all phases of probation work. All these have been published by the Department of Justice and are being distributed to federal probation officers. Finally, by strenuous methods, shortly before the adjournment of Congress, we were enabled to save the appropriation for paid probation officers which had been eliminated through misunderstanding by the House of Representatives. The item was reduced to \$30,000 but this will provide for demonstration of what well-trained, full-time probation officers can accomplish in ten districts.

Work of Committees

Records and Statistics: The Committee has continued its work, holding one meeting in New York. The model juvenile and

adult probation case-record blanks prepared by the Committee have been in great demand. We have furnished the blanks in quantity to 26 courts, most of which are using the blanks exclusively. The demand for these blanks, especially on the part of new probation officers starting their work, has been constant.

Domestic Relations Courts: This Committee has prepared a questionnaire to secure information on the need for domestic relations courts, which is being sent out throughout the country.

Treatment of Runaway Children: The Committee has prepared a form of agreement and a questionnaire for obtaining statistics of the number of cases transferred from one jurisdiction to another, both of which have been sent out to leading juvenile courts throughout the country.

Conference

The 20th Annual Conference at Cleveland was one of the largest and best we ever had. Three hundred and thirty-four delegates registered from 32 states and Canada. Many judges attended. The Annual Probation Conference is a growing factor in promoting the cooperation of probation workers in the entire country.

The Association sponsored two probation sections in connection with the American Prison Association Conference in October.

Publications

The principal publication of the Association has been the *Annual Proceedings*, a volume of 282 pages—2,500 copies being distributed. The volume serves as a veritable text book on the latest methods in probation work and is in great demand from the courts, social workers, libraries, etc. The Proceedings are sent free to members requesting them.

The Probation Bulletin has been published regularly every other month and is sent to all members and contributors. We have endeavored to make the Bulletin of increasing interest and value to members.

In addition to the above, the following have been published:

The Federal Probation System by B. M. Webster, Jr., a pamphlet on the Federal Probation Law, analyzing all court decisions. This was sent to all federal judges and district attorneys.

What Should Our Probation Standards Be? by Charles L. Chute, a reprint of an article from the Journal of Social Hygiene.

Also the following popular leaflets on the work of the Association: "Assets and Liabilities", "Don't Send Me to Jail", and "The Better Way".

We have continued to distribute publications of the Association and those received from other sources covering all phases of the probation problem.

Employment Bureau

We have continued the work of the Employment Bureau, registering a large number of candidates seeking probation positions. Requests from the courts for trained officers while not frequent, have shown some tendency to increase. We have recommended many candidates and assisted in placing several. All candidates are asked to fill out information blanks and are notified of positions as they arise.

Board of Directors

Five meetings of the Board of Directors and two meetings of the Executive Committee have been held during the year. In February a well attended luncheon meeting of the Board and Advisory Committee with distinguished guests was held in New York. Addresses were made by George W. Wickersham, Judge W. Mack and Dr. Platt. At the Annual Meeting of the Association in Cleveland, the following new members were added to the Board: Bernard Flexner, W. Bruce Cobb, Mabel Brown Ellis, Edith Whitney Shaw. Judge Franklin Chase Hoyt was re-elected Chairman.

Staff Changes

During the year two additional field secretaries were added and one stenographer, making a regular staff of eleven persons.

Membership and Means of Support

The support of the Association comes very largely from membership dues and small contributions. We have continued to use the written appeal and have developed extensively the sending out of local letters sponsored by local committees or prominent citizens. In several instances the local appeals have been sent out in connection with field work projects.

The active paid membership of the Association at the close of the year was 4,966. The previous year it was 4,609. Of the members at the close of the year 3,224 were old members who

renewed their dues; and 1,742 were new members who joined during the year. We have members now from every state in the Union with the exception of Wyoming, many from Canada, and one or more members from each of the following countries: Australia, China, Czechoslovakia, England, France, Hawaii, Holland, India, New Zealand, Norway, Philippine Islands, Porto Rico, Scotland, South Africa, Sweden.

The membership of the Association is divided as follows: Active members (\$2.00-\$5.00) 1,674; contributing members (\$5.00-\$10.00) 1,648; supporting members (\$10.00-\$25.00) 1,248; sustaining members (\$25.00-\$100.00) 342; patron members (\$100 and over) 54; in addition 279 contributed less than \$2.00.

We acknowledge, with great appreciation, receipt from the Commonwealth Fund of the first quarter's instalment of its appropriation of \$15,000 for our field service department. This has been of the greatest assistance to the work of the Association. A renewal appropriation of \$12,500 has been promised for next year.

From the Hartley Corporation, through the generosity of Mrs. Helen Hartley Jenkins, we received \$1,000. An unexpected legacy of \$1,870.22 was paid to the Association from the estate of Mrs. Annie R. Miller of Newark, New Jersey.

General Work

The office of the Association has served increasingly as a clearing-house for information on probation and social court work. Requests for information and assistance of all kinds have increased. There is need for organizing this service through an Information Department.

As yet the Association has been able to do little in the way of carrying on research and the compiling of statistics. Consequently we cannot adequately reply to many requests for information on the extent and results of probation throughout the country. A beginning, however, has been made by securing at regular intervals reports from the probation offices all over the country by use of the questionnaire method; also by getting copies of their publications.

During the year a complete collection and analysis of probation laws, adult and juvenile, from all the states and Canada has been prepared. A summary is about to be published.

It has not been possible to devote as much attention to pub-

licity as is desirable although we have sent out a number of newspaper statements and have supplied material for magazines. This service should also be developed during the coming year.

The Association has moved into larger quarters and has improved the equipment of its offices during the year.

Future Program

During the coming year we hope to carry on the work of the Association along the following lines:

1. To continue the field service with three workers as before. Among the many opportunities for surveys, organization and campaign work we shall endeavor to select those where the need is greatest and where the best chances for concrete results appear. First of all we shall seek results in the improvement and development of better probation work. Secondly, we shall seek to secure information and material on probation methods and results that will be of value to the entire country in developing standards.
2. Through the appointment of a Publicity and Research Secretary, to extend work in both of these fields. We wish to make use of the newspapers and current periodicals more effectively in popular education on probation. We shall seek to compile and make available all possible information on the subject.
3. Through organizing our Information Service, to be of greater value to the courts and others seeking information on any phase of the problem.
4. To give more active service to the state probation bureaus or supervising departments and to urge their establishment in other states. To cooperate with and utilize state probation associations and local organizations interested in probation.
5. To visit and assist all of the new salaried probation officers in the United States District Courts so that they may demonstrate successful results under the Federal Probation Law. To campaign for a larger appropriation for the salaries of these officers at the next session of Congress.
6. To publish practical literature, including a new edition of the National Directory of Probation Officers, a summary of all state probation laws and, if possible, a manual on probation records and statistics. To publish also popular pamphlets on adult and juvenile probation.

7. To establish a traveling institute or educational service available to state conferences of social work, probation associations or courts, utilizing our present staff or others, offering any agency a series of lectures and class discussions on probation methods and case work. To cooperate also with schools of social work, universities, etc., in developing within their curricula training for probation work.
8. To develop the Employment Bureau and to encourage its greater utilization by the courts. To promote methods for securing better trained personnel, including an extension of the service which we have given in a few cities of organizing and conducting competitive examinations for probation officers.
9. To assist in developing more adequate clinical service in the courts.

For the Board of Directors,

CHARLES L. CHUTE, *General Secretary.*

April 1, 1927.

TREASURER'S REPORT

After an examination of the books of the Association for the last fiscal year, the auditor has submitted the following statement:

NATIONAL PROBATION ASSOCIATION, INC.

Statement of Cash Receipts and Disbursements for the Year Ended March 31, 1927

BALANCE, April 1, 1926..... \$3,244.07

RECEIPTS

Dues and contributions.....	\$40,433.98
Commonwealth Fund donation.....	15,000.00
Hartley Corporation donation.....	1,000.00
Estate of Annie R. Miller, legacy.....	1,870.22
Local contributions for field service expenses.....	1,529.57
Publications.....	493.27
Interest on bank balances.....	267.72
Miscellaneous.....	233.46

Total receipts..... 60,828.22

Total..... \$64,072.29

DISBURSEMENTS

(as apportioned among projects by the Association)

Educational service.....	\$11,244.58
Legislative campaigns.....	1,700.64
Information and advice.....	4,468.64
Research.....	1,847.71
Field service.....	16,646.00
Financial campaigns.....	13,747.83
Employment service.....	533.33
General administration.....	3,794.19

Total disbursements..... 53,982.92

BALANCE, March 31, 1927..... \$10,089.37

CERTIFICATE OF AUDIT

We have made a cash audit of the accounts of the National Probation Association, Inc., for the year ended March 31, 1927, and

We Hereby Certify that, subject to the apportionment of disbursements by the Association, the above statement is correct.

(Signed) HASKINS & SELLS.

New York, April 5, 1927.

GEORGE GORDON BATTLE, *Treasurer.*

*"There shall never be one lost good! All we have
willed, or hoped, or dreamed of good shall exist."*

ROBERT BROWNING

*"It is not the geographical but the moral limitations
of the world that must be charted, and the really great
explorers will be those who find the way to universal
reconstruction."*

COMMANDER RICHARD BYRD

*"I think that saving a little child
And bringing him to his own,
Is a derved sight better business
Than loafing 'round the throne."*

JOHN HAY

CONFERENCE PROCEEDINGS

PREFACE

The addresses and reports which follow deal mainly with the new methods of that newer justice which treats social problems with social remedies.

To leaders in penology, and court workers—judges, probation officers, agents from cooperating societies—these pages will bring a stimulating sense of experience shared, new slants on their familiar problems, new problems related to their own; some new knowledge also, perhaps, from distinguished specialists in particular fields.

But the lay reader may find perhaps a still more profitable adventure awaiting him here. These papers may open to his mind new interests; in them he will find the explanation of and the answer to the most perplexing social problems of the day; they will give him a deeper insight into human life and the meaning of a social struggle perhaps unknown to him.

To all who contributed these papers from their rich and helpful experience, I extend, in behalf of the members and officers of the National Probation Association, our grateful thanks and high appreciation.

CHARLES L. CHUTE, *General Secretary.*

December, 1927.

THE HUMANE PURPOSES OF GOVERNMENT

HON. JOHN FLETCHER, *Attorney-General, Des Moines, Iowa.*

The fundamental purpose for which our government was organized was to take care of humanity. The people who came to this country came because they wanted a country in which the individual would have recognition. If there is any work worth while, it is the taking care of humanity, but sometimes I think that we in the government lose sight of this too nearly. Sometimes I think we spend too much time and too much energy dealing with industrial problems for the aggrandizement, it seems to me, of industry alone rather than for the benefit of the men and women who make industry what it is.

So I say that you who are salvaging human lives or destinies are doing the things for which all governments should carry on for the benefit of the individual. You have troubles and discouragement at times. From the press and from bulletins and from everywhere the cry goes out that things are not right socially, that things are wrong. That always was and always will be true, and it is for the people of this generation to right those wrongs. Every generation has met similar problems and has solved them in a considerable measure. Are you and am I in this day of educational advancement and progress going to admit that we are less capable than the generations that have preceded us to cope with the problems of the day? We can't do that. We must say we are going to meet them and solve them. You men and you women engaged in this work, representative of each part of this country, are doing more to help solve these problems than any other class of people in the world.

I repeat that the purpose of government is to make good, clean, healthy and morally righteous citizens. Other things are incidental. It is true that if we are prosperous industrially, some things are taken care of by that fact, but not all of them. The boys and girls of the rich need help as well as the boys and girls of the poor, and need the kind of help that you are giving. There will always be some less favored than others, some who will be down in the shadow, struggling against odds, in the race

of life. They need help, the help of the community, the state, and the nation, the kind of help you are giving them.

I believe that you who are juvenile court officers recognize the fact that a large number of the children who go through our juvenile courts are the result of improper home conditions, training and environment. If this is true it seems to me we have started at the wrong end. If parenthood is to blame we should deal with parenthood. If there is such a thing as delinquency in parenthood, it should be recognized in law just as delinquency in neglected children is recognized in law.

Therefore, I think we should have a domestic relations court into which can be brought the fathers and mothers who do not have the manhood and the womanhood to recognize the high duty that is imposed upon them by reason of the fact that they have brought progeny into the world, or that they owe a duty to their progeny, to sacrifice themselves for them if necessary. No father or mother ever raised a child properly who did not make sacrifices and it is the duty of parents to make those sacrifices. There is nothing that can bring greater grief to a father's or mother's heart than to see their boy or girl go wrong, and if such a thing happens by reason of their own neglect, they should never forgive themselves. If they do not have that sense of their responsibility, it should be impressed upon them by governmental function, and since we have undertaken this business, why not start at the head of it? Why not reach it?

ON MEASURING PROBATION SUCCESS AND ON MAKING PROBATION APPOINTMENTS

CHARLES PLATT, M.D., PH.D., *President of the
National Probation Association*

About twenty years ago our Association was organized. The idea was to bring together those who were working in the probation departments of our courts. It was hoped to secure a consciousness of union in a common profession and also a better coöperation, a better knowledge of what others were doing, a chance to compare and accumulate experience. The ultimate purposes of the organization were two: First, the obtaining of an increased solidarity—a class consciousness, if you will, with that resulting strengthening of position which may be expected from friendly union—and, secondly, through interchange of ideas, a bettering of the probation service.

And to-day these purposes remain—the emphasis only has changed. To the scattered and often isolated workers of twenty years ago, it was the first, the union, the establishment of the service, that was of primary importance; to-day, it is the second that we have first in mind, namely, that of making this service better. And it is this second purpose, note, held from the beginning but now especially emphasized, that has brought into our Association, not only all forward-looking probation officers, but also so many of our more responsible judges and, too, the more socially wise of our lay public. It is the recognition of this purpose that has given us so often an eminent judge for president, and that has placed upon our Board of Directors and in our Advisory Council so many of America's outstanding citizens.

But now note the responsibility incurred here. This hope of ours of bettering the probation service cannot longer remain an intention only, it must become a determination. Having so publicly announced this as our purpose, it now becomes our duty. We have set ourselves a task. And I am glad to say that we are able for this task. What once was only a hope has now become a something actually within reach. We have learned much in the past twenty years. We have learned to visualize the problem of probation as a whole. We have come to know both its possibili-

ties and its limitations, and we are able now, as we were not in the beginning, to give direction to and to have confidence in our endeavors.

Think of the changes which have taken place. In the beginning, probation was but a theory born of the observation of a few students of psychology and criminology. These men, with their scientific freedom from prejudice, had come to see that the indiscriminate punishment of offenders was not always profitable. Prison, they discovered, often did harm to a man, making him more antisocial, more dangerous. They realized that all who broke laws were not necessarily criminal—except in a legal sense—and that a certain proportion of these might, with proper guidance, be remade into contributing citizens. But here were discoveries which once made truly became obvious. So what happened? They were seized upon by the larger group of the socially minded, and their adoption into practice demanded. Enabling legislation was sought and obtained and, finally, here and there, probation departments began to come into existence. Did these always succeed? Did these efforts toward a truer justice produce the results that were expected? I fear not. And there were many reasons why they could not.

The probation idea was in fact revolutionary. It involved changes in attitude and thought quite impossible of sudden realization. The proper administration of probation calls not only for probation officers aware of their problems and able to handle them, but also for a directing judiciary, equally well informed and equally willing. And neither of these requirements existed. It took years for the probation workers to learn even the nature of their problem, and years, too, for the judges to learn theirs. In the beginning, the work of redemption of offenders was approached with the fatal optimism of the old philanthropy. It was expected to make these people good by telling them to be good. There was no real knowledge of character motivation nor of methods of guidance, no knowledge of what could be done and what could not—there was just a foolish confidence born of ignorance. And then, finally, there was something else. These early workers had to learn too, often through bitter experience, of the potency of political influence. They had to learn that political expediency is far more important in social life than is the mere social welfare. They had to learn that their problems were by no means always problems of science,

that they were quite as often problems of compromise, of self-adjustment, and even of self-effacement.

Now, I remind you of all this for a reason. To-day we are trying to evaluate probation. "Has probation succeeded in the past?" This question is being continually asked. And commissions and surveys are being instituted to review probation results. I want to warn you against the findings of all such studies. An evaluation of probation, to be worth anything, must of course go back a considerable number of years, and my thought is that when we do so go back we arrive necessarily at a time when the practice of probation was pitifully imperfect. Good probation work is a matter of recent years only. When we make estimates of probation success from a study of cases placed upon probation years ago, all that we get, all that we can possibly get, is an estimate of the success of an inadequate probation. We learn only what happens when probation is given carelessly, and when those put on probation are handled by officers who are neither trained nor skilled. This should be understood. These results should never be taken as telling us anything of the value of probation work properly conducted. But, in fact, unfortunately, quite aside from this present historical difficulty, a true evaluation of probation, and even of probation practice, must long remain an almost impossible inquiry. In all such studies we shall for years to come arrive only at data of a most uncertain value. We shall not for years be able to determine whether the results arrived at, good, bad, or indifferent, are the product of probation, of its manner of administration, or of local court and community conditions. There are too many factors. It is the spirit of the court and community that will be revealed by our studies, quite as much as the effect of probation itself. And I do not see how we can ever get away from this complication.

But let me add in passing and by way of correction to what I have just said, that when we have made these studies, even the imperfect ones of the present, and when we have arrived at, as we often do, a probation success of, say 70 per cent or more, we should feel highly encouraged. If, in quite varied communities, 70 per cent of probationers, ill-chosen and ill-managed, have become satisfactorily adjusted to a normal social life, then surely with better methods and more care an even larger proportion may be saved. However, consider this 70 per cent as it now stands. This means that a great group of men, women and

children who once would have been given prison terms and who would, thereby, as we know from experience, likely have been forced into permanent criminal practices, have now, instead, been restored to a useful life. Surely, this is something. Compare it with the alternative. Our prisons, we say now, are for the purpose of deterring from crime. What about the success of this prison idea? Well, we can measure that. Our prisons to-day contain some 60 per cent of recidivists, and, allowing for removals, change of residence, for lack of identification and for the uncertainties of arrest, this means that at least 70 per cent of our prison inmates will on their release continue in crime, that they will remain throughout life a social burden. What is this then but a prison failure, a 70 per cent failure? Looking at it this way our 70 per cent probation success is not so trivial after all!

But now let me speak of the probation future and of our own immediate duties. As I have said, these past years of probation and of our Association have been years of learning, and years, too, during which the emphasis of our task has been increasingly toward the actual bettering of the service. These years have been most profitable years. We have now accumulated that real knowledge which enables us to go on with a surer step. We have, before, just wanted to make probation better, but now we have learned how. We have learned, in the first place, that the name only of probation will not do, that the putting into a county or state of a probation system does not mean that probation will be there practiced. We have learned that even an elaborate probation machinery, with many office holders, with roll-top desks and filing cabinets, may not always produce a good probation service. We know that "probation" may be but a gesture, and we know that no gesture has ever accomplished anything in a scientific way. And probation, we know, is a scientific undertaking—it involves endless work and patience.

How then shall we go about getting a real improvement? There are many obstacles to be overcome, many sides to the problem. But let me speak of just one of these sides, namely, that of our probation personnel, the obtaining of qualified officers. We know, and we should not try to evade the fact, that we have to-day two types of probation officers. We have those who are able for their jobs, and those who are not. And we know too, if we will but stop to think of it, that much of the criticism of and opposition to probation is because of the malprac-

tice of the officers of the second class. How shall we go about the correction of this? How shall we obtain a more general high standard?

In the first place, where do the unfit come from? Political appointments? Yes, sometimes—we know all about that end of it. But the improper appointment is not always of political origin. It is quite as often from a lack of appreciation on the part of the general public of the nature and difficulties and importance of probation work. For the truth is, appointments are too often made, not upon the basis of the needs of the service, but upon the basis of the needs of the applicant. What judge, having appointments within his power, has not been approached by clergymen of his community, and by other big-hearted and influential citizens, with requests for the placing of some protégé? Here, we will say, is a poor widow, who has nothing to do—who, in fact, has no apparent capability of doing—so it is proposed that she be made into a probation officer. Or it may be added, by way of special endorsement, that “she just dotes on children”. Well, who knows? Possibly she may succeed—I have known such to happen. But is this loose manner of appointment safe? Probation is a profession calling for the highest skill—improperly or inadequately practiced it is a menace to the public safety.

There must be control over these appointments, some way of safeguarding against the unworthy. The public must be instructed as to both the needs and the dangers. It must agree no longer itself to ask for improper appointments, and it must insist that none such shall be made. The politicians will listen—if only the noise be loud enough. But the point is, the noise must be loud; it must come from a real public. No small group can accomplish anything. Quite oblivious of the prevailing fashion, the politician still sneers at what he calls the long haired men and the short haired women. But a real public—ah, that is a different matter! So, I say, get the public first—the politician will then prove no obstacle.

Our real task is to explain probation, to talk it, to demonstrate it, to prove it, in season and out—until the public finally gets the idea. And then we have still to go on. We have to show the necessity of applying this idea properly. We have to make it understood that this probation work is a difficult work and that it must be put into the hands of able people. It is indeed a task, all this, but it is not impossible. Through the

efforts of our Association and of a few individuals, many of our communities have already been advanced to this higher social understanding. What we want now is that all shall be so advanced.

Finally, practically, just what shall we recommend as regards the kind of person to be appointed to the probation service? How shall a proper personnel be selected? What standards are necessary? Well, there is of course no sure method of selection—we shall never be able to know the good officer until we have tested him—but we can at least start out with the right material. We should require, I would say, a fair education, a high school education. We should require good health and energy, good character and good will. We should require tact and freedom from prejudice. And we should require an ability to learn. This does not seem too much, does it? A few years ago our recommendations would have been longer, would have included many theoretical values and artificial gradings—but we know better now. We know now that our recommendations should be, and can be, both simple and brief. And these I have given, I am convinced, are enough. They do not indeed include all that a probation officer must have, there is also much technical knowledge necessary, but all the rest, including this technical knowledge, may safely be left to come along later. In fact, we can easily make sure that it shall come along. We can make all first appointments provisional only, and then, after a period, which should be a period of study as well as of practice, we can examine the appointee, find out how much he has profited by his experience, what he has learned of probation methods, of court procedure, and of probation in general. When this examination is satisfactorily passed, then the appointment may be confirmed—we shall then have the kind of person that we want.

Not only, I am sure, will such a manner of appointment tend toward a general elevation of our probation service, it will have, too, the advantage of being practical. Properly approached, even the politician can be persuaded to limit his appointments to persons so equipped. The truth is, remember, much of the objection to the establishment of standards of qualification finds its origin in an apprehension of impossible standards. Some one has lied about what the social world is demanding, and these lies are being continually repeated. It is said that if the reformers have their own way, that if standards of qualification are adopted, that if bureaus and state departments are formed to

establish such standards, then no one will get appointed but highbrows—that a college degree will then be demanded. Of course, this is ridiculous. But the lie will not down. It has aroused a panic fear that has rendered even certain probation officers blind to the facts, and has thrown them too with the opposition. A college degree, as all really educated men know, can tell us nothing of a man's fitness for probation work, or for anything else. It has hardly more significance than has a pair of tortoise shell spectacles. Even a certificate of graduation from a social service school can tell us but little. It is personality and character and intelligence we are after, not a record of formal education. For my part, I should be quite willing to forego the demand for any school credits, were it not for the fact that in these days of free opportunity the failure to acquire at least a fair education is in itself an evidence of social or mental lack.

And so let me close. Probation to-day is being criticized. It is being criticized in both theory and purpose. But this is from ignorance. It is the practice of probation alone that is open to criticism—the theory is all right, it is unassailable. But our duty, then, is with this practice—to better this and thereby to disarm our critics. We cannot indeed directly control all of the adverse factors existing, but we can do much. We can establish our standards, live up to them, preach them and explain them. We can make the public know what a serious thing this work is, what a social benefit it is when properly administered, and how important it is that its administration shall be proper. This is our task. Then our reward will come. When the public finally comes to our aid, when it uses its influence only helpfully, then probation will be established. Probation will then be practiced with wisdom, in understanding courts and with a capable personnel. It will then at last attain to its due place, an integrated and respected part of our system of criminal justice.

PROBATION SERVICE IN RELATION TO THE ENTIRE FIELD

DR. JOHN A. LAPP, *President National Conference of
Social Work, Chicago, Ill.*

I like to think of social work as a unit dealing with the individual man and all phases of his breakdown,—the integrity of the individual consisting of physical integrity, economic integrity, civic integrity and normal integrity. Anything that tends to weaken or destroy a man in any one of these respects, tends to drive him down into destitution, into delinquency or into poverty, and anything that prevents these causes from working, prevents the thing from happening with which we have to deal in all fields of social work. For it does not make any difference whether one comes by one route or another into poverty, whether he comes from lack of earning capacity or because of destruction of economic integrity; whether he comes on account of physical breakdown, moral breakdown, or civic breakdown, he is there as an individual with whom we must deal.

When we come to contemplate the problem of poverty as a whole we find that it consists of three parts. It is a unit, yet a trinity, and the three parts consist of the program of prevention, the program of rehabilitation and the program of care.

We prevent the causes of poverty as much as we can but we know that calamities will happen. We know that some phases of man's integrity will be weakened or destroyed, and that having been weakened or destroyed, the next job is one of rehabilitation, of restoring men physically, economically, and morally. Then after we have done all we can in that respect we still find men for whom we must care, and this is the third part of social work.

Now I have merely outlined in brief terms the program of social work, and it is evident from the outline where probation workers and all those who work for the stabilization and restoration of the moral integrity of the individual fit into the program. In the field of probation you are dealing with a most important phase of social work, namely, the building of morale in the lives of people whom you try to restore to individual independence and individual capacity,—to be self-respecting and self-supporting citizens.

The field of restoration of morale has been neglected in social work; it has not been adequately studied. We do not know for instance what happens in the minds of men who have been injured; we do know that something very serious has happened; we do know that there has been a psychological change in the man, and until we find ways of restoring that which will enable a man to get control of himself again, we will not succeed in rehabilitation. We know that something has happened in the minds of people who are delinquent or who have committed crime. We know that there is something that has happened inside the mind of the people with whom we are dealing in probation work. We need to know more and more about what that is. We know perfectly well that delinquents and criminals are not normal human beings at the stage when they reach the probation worker and the job is to build into them again the kind of morale that will put them back on their feet and keep them there. In the program, therefore, of social work we have first the prevention of the causes that break men's morale, and the restoration of the things that are necessary to make men and women strive to get back into the self-supporting class and the self-respecting class.

Probation workers have a very close relationship all along the line to all of the agencies that are attempting to prevent disaster, to prevent the wreckage of human lives, to restore man eventually, and to care for those who actually cannot be restored.

I want to call your attention, before I sit down, to the fact that it is a very, very large program in which we are all engaged. Social work is much vaster than anybody imagines it to be.

I made the statement some time ago that this country is spending \$2,000,000,000 a year in social work. After I had made the statement I was perturbed a bit for I thought I had exaggerated. Actually I had never figured it up. Since then I have been trying to calculate roughly how much we do spend and I cannot find that that sum is less than \$3,000,000,000 every year in the direct prevention of disaster, in the rehabilitation of people, and in the care of those who are in distress. Three billion dollars a year. Twice as much as is being spent on public education in the United States! All this distress and poverty comes from the wreckage of war and vice, from the wreckage of sickness, accidents, unemployment, mental deficiencies, lack of

a living wage, dependent old age and other causes that are working constantly to break down the integrity of human beings.

Since it is so vast we ought to bring it to the attention of all men as a practical matter so that we will not be considered as a small group of people working without the sympathy of the great mass of people, so that we will not be misunderstood, so that we will not be the subject of ridicule as we often are now by many ignorant people, so that we may make people understand that social work is the greatest enterprise not only from the standpoint of what it does but from the standpoint of the actual size of the program, economically speaking. While we have done very much in the coordination of activities that are necessary in carrying forward so vast an enterprise, we need to have a constant understanding on the part of all the agencies as to just where they fit in and how they may do their best to bolster up the work which other agencies and individuals are doing, in order that we may realize the ideal of preventing the breakdown of human beings, of restoring them as far as possible and of caring in charity for those who cannot possibly be restored.

ADULT PROBATION—PRESENT STATUS AND PROSPECTS

CHARLES L. CHUTE, *General Secretary, National Probation Association*

There are two ways of treating every human agency. There is the ideal plan,—the thing as it ought to be; there is the actual present day development, the imperfect realization of our ideal. This contrast is seen everywhere; in the medical service, in the law, in the church. It is especially evident in social work and in particular in that branch of it known as probation work, because probation is so new. An agency though ideal in theory, may be so imperfectly developed, so badly manned and executed, that its practical manifestation can only be condemned.

Such, seemingly, is the case with probation, if we may take the word of its critics to-day. Few there are who really doubt the advantages of a system which puts individual social understanding and discrimination into the judgments of the court, which affords youthful and early offenders an opportunity to go straight under constructive personal guidance, protecting alike the offender and society; but there are some, not a few who, judging from present day manifestations, usually covering a very limited field, condemn the entire system as inefficient and unworkable.

We will not consider ideals and possibilities here; they have perhaps been over-emphasized. Our subject compels us to consider the status of probation as it *now* is and also to speak of its prospects,—not its ideal future, but the next steps to be taken.

In the first place the term "adult probation" is misleading, except as we use it arbitrarily to limit the discussion to individuals treated by probation who are above a certain age, or to individuals above the juvenile court age limit—which varies from sixteen to twenty-one in our different states.

In the earlier probation laws no distinction was made as to the age of the offender. The very earliest probation law—that of Massachusetts in 1878, and the next laws—those of Maryland, Vermont and Rhode Island, enacted in 1894, 1898 and 1899 respectively, fixed no age limits. It was felt that probation methods could reasonably be used without any age distinction,

and in fact, with few other restrictions save good judicial discretion. Of course, it was always true that probation was chiefly applied to the younger and earlier offenders. The Probation of Offenders Act of England of 1907 followed this principle as did the Federal Probation Law, enacted by the United States Congress in 1925. It is such general probation laws and their use, applied without reference to age, but usually based on criminal court procedure, that we shall discuss.

Legislative Status

I want to give you as briefly as possible the present legislative status of adult probation, so considered, in our various states. Legislation is necessary in this field, as real probation is not volunteer work, but a part of our judicial establishment. Thus far the rules and methods for successful probation administration have been embodied in statute law; there has been little development of official rule-making by supervising authorities, which has been a marked development under our health, labor and other public boards or authorities. The laws, therefore, give us some index as to the extent, limitations and degree of effectiveness of probation work, at least negatively, but we all realize that legislation is only a first step; it conditions good administration which may or may not follow.

It is of interest in passing to state that probation originated and has been largely developed in the United States. Penologists, not only here but in England and other countries, have called the probation system and the juvenile court the greatest contributions that America has made toward rational treatment of crime. Both were "made in America". England did not enact an adult probation law until 1907; while Canada did not authorize paid probation officers until 1922. As yet there has been very little development of adult probation in Latin America or in Europe.

Coming to our own country what do we find? A careful analysis of all state laws on the subject, recently completed by the National Probation Association, shows 33 states and the District of Columbia with adult probation laws, and 15 states without any such laws. The latter are chiefly the smaller and more backward states. All of the 15 states having no adult probation system authorize by law the suspension of sentence for most offenses, under which in some cases the courts develop

a type of supervision like that practiced in other states before there were any probation laws.

Sometimes it is very hard to decide whether a state has a probation law or not, there are so many varieties and gradations. Take the State of Iowa as an example. The law provides that the criminal courts may parole convicted offenders on a suspended sentence, except for a list of serious offenses and second offenses, and may appoint a probation officer, so-called, who is only a volunteer sponsor in each case. This is a very incomplete probation law, and since no salaried probation officers are appointed under it for the courts handling adults, Iowa has no real adult probation system. But technically it is included among the states having an adult probation law.

Analysis shows that many of the 34 states including the District of Columbia having probation laws limit its use extensively. Three states allow only courts of record to use it and one, only circuit courts; one state limits it to courts only that have jurisdiction of children. Three states permit felons to be placed on probation only if under the age of twenty-one. Two states permit adult probation for only a few lesser offenses, and two others for misdemeanors only. Eighteen states and the District of Columbia forbid probation for a specified list of the more serious offenses; 12 states forbid probation for second convictions of felonies or to persons previously convicted of felony. On the other hand, three states (Maine, Delaware and Arizona) permit probation for every offense except those punishable by death or life imprisonment, and six states have no limitation whatever. Among these are four of the pioneer states: Massachusetts, Maryland, Vermont and New Jersey, together with Virginia and Utah.

Coming to the very important matter of provisions in the law for appointing probation officers, it is found that the number of probation officers that may be appointed is limited, sometimes drastically, in 15 states and the District of Columbia. In three of these only juvenile court probation officers may be appointed; in four volunteers only. On the other hand, the number of probation officers is left to the discretion of the courts, with limitations in some of them, in 13 states.

In only seven states and the District of Columbia the probation officers' salaries are fixed by law. In most states the public fiscal authorities determine salaries but in several the judges may fix salaries within prescribed limits and in some

courts in five states have entire power to fix salaries. In 11 states there is now some state supervision or control of adult probation work.

Probation has developed legislatively in less than thirty years, without direction or standards—outside of Massachusetts—unevenly and incompletely, but nevertheless steadily each successive legislative year, until to-day two-thirds of the states have adult probation laws. They have accepted the system, but more than half of them have narrowly prescribed its application or curtailed its administration by arbitrary limitations not contemplated by the founders, or by not allowing the appointment of a sufficient number of probation officers, or by both. Generally speaking, the states that have secured the most complete administration of probation, namely: Massachusetts, New York, Connecticut, Vermont, Rhode Island, New Jersey, Michigan, Pennsylvania and California, have least restricted the courts in its use.

Administrative Status

Coming then to probation development under these frequently limited, inadequate and non-uniform laws in our states, this has been slow. The crime wave agitation of the past few years reveals why, together with what Raymond Moley alliteratively calls the prevailing politics and parsimony of our public administration. Of course the crime wave agitation is not new, neither the crime nor the agitation, but its recurrence in the few past years reveals the instinctive and unthinking public attitude which still prevails toward adult offenders (although toward children it has largely gone) an attitude of fear, intolerance of those who have done us an injury while we are prevented from retaliating,—all of which masquerades under the guise of "protection of the public" and punishment for the sake of deterrence,—which somehow never seems to deter.

These forces and the complete lack until recently of state and national aid in all but six states—the allowing of the system to grow or not to grow according to whether some humane judge or, not infrequently, some social work organization, campaigned and secured the appointment of an officer or two—have resulted in an administration of probation that is still more uneven and incomplete than its legal development.

Only 19 states really have adult probation. I exclude states like Nebraska with an adult probation law but, at last accounts,

having only one woman officer on half time and one man whose salary is limited by law to \$1,200.

In most of these 19 states, adult probation systems are developed only in large city courts, varying in efficiency according to the personnel and the appropriation secured. In the three states having probation officers appointed and paid by the state, namely, Rhode Island, Vermont and Wisconsin, there is statewide adult probation service, but in so large a state as Wisconsin, with so small a state staff, this is not—and we believe can never be—adequate. Only Massachusetts, New York, Michigan, Illinois, New Jersey and Pennsylvania, together with Rhode Island and Vermont with their state officers, may be said to have demonstrated statewide adult probation.

Complete statistics of the use of probation are lacking even in the states which have developed it most, with two exceptions. New York and Massachusetts, through permanent State Probation Commissions, have published yearly reports on the extent and results of the service. These statistics have shown a constant increase in the use of probation and, partly resulting therefrom, a marked decrease in prison population. An increasing number of courts using probation and more and better probation officers has been the effect in both states, indicating a genuine public approval of the work.

In New York State, in the year 1926, 15,157 men and 1,799 women were placed on probation. In addition 7,050 children under sixteen were so placed, making a total of 24,006 persons cared for on probation during the year. There were 23,154 persons actually on probation at the end of the year, over three-fourths of them adults. Ten years ago the number on probation was approximately one-half that of to-day. Twenty years ago only about 1,000 persons were on probation in the entire state. The number of salaried probation officers has grown each year but not in proportion to the increased use of the system. However, full-time officers have been substituted for part-time and there has been a notable improvement in the training and other qualifications of officers.

In Massachusetts the same progress has been registered except that extension has not seemed so rapid, due to the fact that the law has for many years required a paid probation officer in every court. Approximately 25 per cent of all convictions have been placed on probation each year in Massachusetts, a greater num-

ber in the aggregate than in New York, although the population of the latter state is twice as great.

Because of criticism of probation—some of it merited, some a reactionary product of crime-wave agitation—a lessened rate of increase in the extension of probation work generally has manifested itself in the last two or three years. Still, I believe that in all states where the laws make it possible, there has been a continuous increase in its use and, what is more important, a general improvement in personnel and methods. For the country the number of salaried probation officers has increased from 2,658 in 1922 to over 3,500 at the present time. This indicates not only an increasing use of probation but a substitution of paid officers for volunteer work, which is much to be desired.

The extension and improvement of adult probation advances in all states against great handicaps. There is the conservation of the legal and criminal court systems to which it is attached, an insistence upon a "ritual of punishment", a system of uniform severity instead of that "individualization of justice" which Dean Roscoe Pound says is the greatest need in criminal justice to-day. There is reactionary opposition to utilizing social and scientific aids, to social and medical diagnoses which, rightly applied, can contribute so much to the understanding and cure of criminals.

False economy has handicapped probation extension. Because a good probation system involves initial expenditure, requiring adequate salaries to obtain the high-grade men and women needed for the work, it is considered an extravagance; whereas there is abundant proof that it is an investment that pays large dividends not only in saving men for good citizenship, but also in dollars and cents. It avoids unnecessary commitment and all the long continued costs of any system that deals with criminals without reforming them. In spite of the proven economy of good probation administration, the false economy of inadequate probation staffs is still the rule rather than the exception. We find not only the wrong kind of officers, but almost everywhere an inadequate number. Probation officers are commonly overloaded with from 100 to 500 cases, an impossible number to watch and guide adequately.

The building up of probation departments has been, and still is, involved in politics. No handicap has been, nor still is, more serious. Nowhere should merit, mental training, experience and,

above all, the character and personality fit to guide and help all sorts of people,—in short a genuine vocational aptitude—more strictly govern appointments.

We are not at sea in this matter. The kind of men and women wanted is well known; such men and women are available, not at the miserable salaries still offered today in many courts, but at lower salaries than such men and women can command in work that appeals less to altruism and desire for service. Nor are we adrift on the way to obtain such officers. It has been fully demonstrated that through the competitive examination, either under an official civil service system, or conducted by another competent, disinterested agency, such as a State Board or Bureau or representative committee appointed by the court, proper selection of officers can be made. The National Probation Association, which has had long experience in assisting in practical examinations for state and national civil service commissions, is ready to assist any court or community in conducting such an examination.

Results of Probation

In spite of the faults and inadequacies that have been mentioned we can say negatively that probation has escaped the prevailing criticisms as to its results that have been heaped upon other methods of dealing with offenders, notably upon parole and prisons. We do not yet have adequate statistics of its results nor a sufficient number of after-studies of probation treatment to dogmatize about them, but we do know that for the probation period at least, society is relatively safe and that a larger number of probationers complete probation treatment successfully than any other form of treatment can show. In 1926 in New York State only 6 per cent of all probationers escaped from supervision (not many more than escape from penal institutions), while 11 per cent were returned to court as failures and were committed. Eighty-three per cent finished their probation terms without further offending and were discharged. Massachusetts has shown for many years about 80 per cent successes on probation. Studies that have been made of the results of probation for a period of from three to seven years after discharge, although inadequate as yet, have indicated that about 70 per cent of adults go straight and do not get into trouble again. When probation work generally becomes more adequately manned, when the system of preliminary investigation by the probation

officer before probation becomes universal and, as a result, probationers are more carefully selected and supervised, a higher percentage of success may be expected.

Needs and Possibilities

Probation as highly individualized treatment based on social understanding, in its methods constructive and positive instead of destructive and negative, is in line not only with humane principles but also with scientific knowledge, now in process of discovery, of how best to guide and influence human beings. The needs of the system today have been referred to throughout this paper: Adequate laws, not restricting the court in selecting probationers upon the basis of character and needs rather than the offense; provisions making possible an adequate staff, adequately compensated, in each court; selecting probation officers on merit only; establishing the system of prior investigation and thus bringing about more careful selection of probationers; efficient supervision based on individual study; these are the primary needs to-day. To them may be added continued education of the courts and the public through the development in each state of an efficient state bureau or commission to extend and regulate the service, and the continued work of voluntary organizations, state and national on behalf of better administration.

The possibilities of extension we cannot yet see. Probation work has already taken its place as one of the major aids to efficient justice and reformation, bringing in preventive treatment of delinquency. The future is assured if those who administer the service are faithful to the trust and measure up to the opportunity that lies before them.

STANDARDS OF PROBATION

EDWIN J. COOLEY, *Chief Probation Officer, Court of General Sessions, New York City*

It may be said of probation as it has been said of family case work that "like teaching, medicine, and so many other professions, it offers a challenge to its workers and demands of entrants into its field personal qualifications of the highest order.

"It is difficult to state these qualifications in exact terms, but in general they include maturity of mind and personal poise, along with the buoyancy of youth. Probably more important than years is a knowledge of life's familiar adjustments, often called 'life experience'. Physical vigor and mental health are also important, for professional persons must be prepared to release energy in their work in a way that is possible only to persons of good physique and wholesome minds.

"The case worker should bring to the field an appreciation of people, and a capacity for critical judgment, uncolored by prejudices and balanced by an ability to see beyond the apparent qualities in people to the dynamic forces and latent possibilities beyond. Openmindedness, the ability to get things done, perseverance, and a sense of humor are also a part of the case worker's equipment. And as further tools he must bring imagination and a zest for discovery to push forward the frontiers of our knowledge of human capacity."¹

Practical Value of Proposed Standards.

The standards proposed in this paper constitute virtually a summary of the procedure utilized by the Catholic Charities Probation Bureau in its work in the Court of General Sessions of New York City, crystallized into a concise, clearly defined set of principles. It is hoped they will prove valuable to probation workers, who can turn to the summary as a convenient measuring rod for checking up their own work.

Another advantage in presenting these standards of modern

¹ Vocational Aspects of Family Social Work. The Second of a Series of Studies, Published by the American Association of Social Workers, 130 East 22d Street, New York City.

probation practice is that the whole scope of the probation problem is succinctly dramatized and can thus be more easily and adequately grasped.

It must not be overlooked that the application of the standards and principles given herein presupposes a background of modern knowledge of human behavior and a familiarity with effective ways of altering human conduct, in addition to an understanding of the methods of social diagnosis and case work.

Owing to the diversity of the statutes and laws governing probation practice, the variations in organization, personnel and equipment, and the different types of courts, of offenses and human material considered, it is apparent that no one set of probation standards can be followed in every case investigated or supervised.

Delinquency finds its source not only in the complexities of personality, but in destructive factors and influences in the community. Each delinquent possesses his own unique personality and character, has had a lifetime of experiences peculiar to himself, and presents an individual problem which requires careful consideration in the adaptation of probation methods suitable to the particular needs of the delinquent. No two cases call for exactly the same treatment. Therefore, any probation standards formulated must be considered as general principles of guidance which constantly have to be modified and adjusted to meet the practical exigencies of the work.

Further experience with probation may modify some of our present ideas, but the standards for effective probation work set forth herein embody the results of careful planning and well-tested methods.

STANDARDS FOR EFFECTIVE PROBATION WORK

Judges and the Courts.

1. State legislatures should clothe every court with the power to place suitable offenders on probation, adult as well as juvenile delinquents.

2. Adequate funds, personnel, and equipment should be furnished to all probation bureaus.

3. Before placing an offender on probation, judges should require a comprehensive preliminary investigation by the probation bureau.

4. Courts should not place on probation habitual offenders,

drug addicts, confirmed inebriates, or the feeble-minded with fixed antisocial habits. Unfit subjects on probation constitute a menace to the community, destroy the confidence of the public in the system, and handicap the efficiency of probation officers.

5. Courts, judges, and probation officers should cooperate sympathetically and actively in the development of the probation system.

6. Regular reports on the progress of probationers should be made to the judges.

7. At the termination of the probation period, probationers should be brought before the court, preferably in chambers, for a judicial review of their conduct. In large cities, where there is a considerable number of judges, a probation part or court could be organized to great advantage, to issue warrants, hear violations, authorize discharges, and give special consideration to the problems of probation.

Administration and Organization.

8. The proper supervision of the work of the individual probation officers by a chief probation officer or group supervisors, and also by the judges of the court is essential in developing an effective probation system.

9. Although there is a certain advantage in having the preliminary investigation made by the officer who subsequently supervises the probationer, nevertheless, in large cities, a division of the probation staff into corps of investigators and supervisors is often desirable and practicable. Specialization of service and the fitness of particular officers for distinct kinds of work must also be taken into account.

10. The chief probation officer should consider it his responsibility to train his staff in the larger principles and scientific methods of probation work.

11. The chief of the bureau should formulate a definite plan of procedure for the investigation and supervision work and see that it is carried out by the probation staff.

12. Staff conferences, group conferences, and difficult case conferences should be held regularly in order to guide the probation officers in their work, and stimulate them to the highest plane of efficiency.

13. The system of case assignment on the basis of personality is advisable in communities in which the distances to be traveled

permit an officer to reach effectively the different parts of the city or country without a great loss of time. In large cities the district system of assignment is a necessity, although exceptions should be made in cases presenting special problems.

14. An esprit de corps, enthusiastic coöperation, and team work should be cultivated in every group of probation officers.

15. Volunteer service is without value unless it is preceded by education, training, and experience, and given careful, genuine case supervision afterward. Volunteer workers should be carefully selected and should be under the supervision of the chief probation officer.

16. The chief probation officer should make a careful study of the relative merits of different methods of applying probation, and map out a plan for a continual checking up and improvement of case treatment in the light of such study.

17. Supervision of the work of probation officers should be exercised by a state commission definitely charged with this duty.

The Probation Officer.

18. The qualifications of probation officers should include, preferably, graduation from college, or its equivalent, or from a school of social work and at least one year's experience in social case work under supervision.

19. Definite requirements as to character and vocational aptitude should be required of those who seek to become probation officers. Good personality, tact, resourcefulness, and sympathy are essential. Merit and fitness alone should be the basis of appointment.

20. By reading, studying, and attendance at conferences, probation officers should endeavor continually to increase their knowledge and capacity in order to measure up to the great responsibilities of their work.

21. Probation officers should participate actively in the larger movements for social amelioration with special attention to those concerned with the prevention of delinquency.

Methodology of Diagnosis.

22. The probation plan of social diagnosis should consider the legal history of the offender, the essential elements of his environment, a study of his developmental history, personality

and behavior, his capacities and potentialities, and the etiology of the delinquency.

23. The study of the legal history of the offender should comprise his previous court record, analysis of the offense, and the story and attitude of the complainant. A finger print system should be established and utilized to ascertain the criminal records of delinquents.

24. The diagnosis of the social history of the delinquent should include the personal history, education and early life, family and neighborhood conditions, employment history, recreation, habits and associates, religious observances and training, and the mitigating or aggravating circumstances of the offense.

25. The diagnosis of the personality of the defendant should consider the following factors: heredity, physical condition, mentality (capacity, traits and interests), emotions, sentiments and beliefs, character and conduct, and manner and appearance.

26. An accurate, complete and concise report of the social diagnosis, including the etiology of the maladjustment, should be prepared in typewritten form and presented to the court in advance of the day of sentence.

27. The court should utilize the service of physicians, psychiatrists, and psychologists to examine defendants before sentence. In case such provisions have not been made, probation officers should secure this service by coöperation with available clinics.

28. When a social service exchange has been established, it should be utilized by probation officers to obtain the history of contacts of social agencies having knowledge of the delinquent or his family.

29. The work of a probation bureau should be so organized that the making of investigations does not require so much of the time of probation officers that they are prevented from properly performing their principal duties of looking after and aiding persons who are placed on probation.

30. A probation officer, assigned exclusively to this duty, should not be required to make more than twelve preliminary investigations a month.

31. A complete copy of the social investigation and reports of physical and mental examinations should accompany the order of commitment to an institution.

Methodology of Adjustment.

32. The case objectives of supervisory effort should be to assist the probationer to obtain adequate adjustment within himself and within the community.

33. Every phase of the supervisory process should be directed toward the permanent restoration of the probationer in the community as a socially useful citizen.

34. The process of adjustment should be carefully individualized and fitted to meet the needs of each probationer.

35. Immediately after a delinquent has been placed on probation, the probation officer should interview him entirely alone and explain carefully the instructions of the court and the general and particular conditions of probation. A statement of these conditions should be given to the probationer in writing. The instructions of the court should be made a part of the case history. Visits to the home and to other places to secure additional information and cooperation should be the next step.

36. A plan of adjustment and supervision should be formulated and recorded in each case. This requires insight into the personality and environment of the probationer, an analysis of the causal factors of the delinquency, a summary of the problems presented, and a creative interpretation of the facts. The plan of treatment should be checked up at least monthly and modified, when necessary, in conference with the chief probation officer or other supervisor.

37. It is of vital importance that any plan of treatment formulated should be accepted by the probationer himself. This acceptance can be obtained most effectively through the gaining of his confidence and respect, the arousing of his admiration for the probation officer, the realization of his own problems and motives, the removal of antisocial attitudes, the presentation of new visions and goals, and the transference of objectives. During this particular phase of the case work, a certain amount of trial and error by the probationer should be permitted by the officer.

38. In the process of social adjustment, the following factors should be emphasized: the development of social relationships, adjustment within the family, the improvement of neighborhood conditions, the attainment of financial independence by means of vocational guidance or scientific job placement, and the cultivation of habits of budgeting and thrift, and constructive recreation. Every effort should be made to restore the social

status of the probationer. Consideration should also be given to language and racial psychology and background.

39. Complete coöperation with the social agencies of the community in the effort to surround probationers with every helpful influence is necessary for effective probation work and for the progressive development of the system. In general, probation officers should not undertake services for probationers which other agencies are better equipped to furnish. In cases in which two or more agencies are concerned with the same family, frequent conferences are necessary for good teamwork.

40. Every effort should be made to develop a well-rounded personality and a self-reliant character on the part of the probationer. Such elements as the following are essential parts of the process of personality development: holding up of ideal of self to the probationer, physical rehabilitation, strict discipline and self-control, aggressive character building and assured emotional adjustment, academic and vocational education, discovery and unfoldment of new resources and outlets, the regaining of self-respect and social consciousness, improvement in appearance and manner, religious development, and the long look ahead.

41. Probationers should be helped as much as possible to get suitable work and to succeed in it. The interest of employers should be secured, and coöperation with employment bureaus should be maintained. In large offices a bureau of employment should be established. Probation officers should assist probationers in the choice of a vocation.

Whether or not an employer should be informed with reference to the probationer's delinquency depends on the type of employer. Tact and judgment should be used to protect the interests of both the employer and the probationer. Probationers should be sent for employment only to those institutions where proper standards of work are maintained.

42. Religion is one of the most vital factors in reforming character. Probation officers should be careful to respect the religious convictions of their probationers and should secure the friendly coöperation of clergymen and religious organizations of the same faith as that of the probationer.

43. During the process of supervision, the following tendencies should be avoided: subtle antagonisms on the part of the officer to his charge because of a lack of understanding of the probationer's nature or problems, or failure in dealing with

them; too close and weakening supervision; impatience with relapses; and objective case work.

44. The probation system should be standardized by the employment of as many officers as are required by the number of cases. Effective probation work demands that no probation officer should supervise more than fifty probationers at any one time. Officers handling the cases of women should be assigned a smaller number.

45. In the event that the process of adjustment has not been completed at the end of the probation period, application should be made to the court for an extension of the term of probation in order that the case work may be continued until rehabilitation is assured.

46. Probationers should be required to report weekly, except during periods of unemployment, when daily visits to the probation office would be advisable.

When properly safeguarded, reporting provides opportunity for acquaintance with the probationer and free conversation regarding his interests and surroundings, and is a means of training in habits of regularity and punctuality. Probation officers should make these meetings count in information obtained and advice given and in the establishment of a friendly relationship. Interviews with probationers should be in private, and should not be hurried or stereotyped. The commingling of probationers should be carefully avoided.

47. No probationer should be permitted to leave the jurisdiction of the court without the permission of the judge. When such permission is granted, probationers should be required to report to the probation bureau weekly by letter and should be placed under the supervision of the probation officer of the new community.

48. Home visits should be made regularly at least once every two weeks by the supervision officers, and the place of employment should be visited at least once a month. These visits are essential to effective supervision, knowledge of the assets and liabilities of the family, and the correction of unfavorable conditions.

49. The period of probation should be long enough to afford opportunity for definite improvement in the character and conduct of the probationers. At least one year is required in difficult cases, and a longer period is often advisable. The

length of probation in each case should be determined by a study of the problem, the needs disclosed, and the progress made.

50. An essential factor of any successful probation work is vigorous enforcement of the conditions of probation. Probationers should be returned to the court promptly when the probation officer is firmly convinced of the unfitness of the probationer for further probationary treatment. Every effort should be made to apprehend absconders.

Equipment—Clerical Help and Records.

51. Suitable office quarters with adequate equipment and provision for necessary expenses should be supplied to probation officers.

52. The necessary clerical help should be granted to probation officers. It is poor economy to burden probation officers with clerical duties as their essential work is in the field.

53. A modern filing system, which will permit of the ready identification of cases, should be maintained by every probation bureau.

Probation case records should contain the investigation of the case, the constructive work planned, attempted, and accomplished, and a chronological history of the supervision. Probation records should be protected from indiscriminate public inspection.

54. A statistical system should be organized in every probation bureau, so that it will be possible to compile annually significant social data concerning the problems dealt with, the results, and the prevention and treatment of delinquency.

Informing the Public.

55. Probation officers should seek legitimate and enlightened publicity for their work through public speaking and the press in order to develop a more appreciative and better informed public opinion concerning probation.

56. Annual reports portraying clearly the work, achievements, and needs of the bureau, supplemented by case studies, findings, and crime discussions, should be published and the material arranged in an interesting and attractive style. The statistical information should be tabulated in accordance with standard methods and uniform terminology.

57. The publication of typical or socially illuminating case

studies would prove valuable to probation officers, social workers, schools, and the general public.

58. Greater support, not only financial, but moral, is needed by the probation officers and the probation service.

Probation in Relation to Other Agencies.

59. In many communities it would be highly desirable for the chief probation officer at stated intervals to call a conference of the social workers of the city to meet with the probation officers in order to consider their mutual problems and better methods of operation.

Difficult case conferences should be organized, to include social workers and representatives from religious, professional, and business groups, for the purpose of obtaining expert counsel and service in difficult probation cases.

60. Cordial coöperation should be maintained with police departments and the correctional forces of the community and the state.

Warrants for violators of probation should be executed by police officers and not by probation officers.

61. A central bureau of criminal identification and records should be established in each community.

62. Every probation officer should conduct a survey of his community or district, so that he will become acquainted with its assets, liabilities, and needs. This social knowledge will not only be helpful in the adjustment of probationers, but also in the interpretation of the community to its citizenry.

Probation in Rural Communities.

63. Probation in rural communities should be undertaken only by trained social workers and if the work must be combined with some other type of work, it should not be identified with the prosecution of cases, as are the positions of the clerk of the court, police officer or sheriff.

The matter of reporting of probationers should be determined by the individual circumstances. Frequently reporting may be found impracticable.

Volunteers may be more necessary than in urban communities.

Probation officers should be provided with adequate means of transportation in order to cover their extensive territory.

Conclusion.

In conclusion, it should be emphasized that probation work depends for its success largely upon the relation established between one individual and another. The personal equation enters into all of this work. We constantly hear it said that no two cases are alike; it is equally true that no two probation officers are alike. It is therefore difficult to lay down any general rules and this can be done only by granting numerous exceptions. The successful probation officer cannot always define his methods, but he knows that his success depends upon establishing right personal relations with his charge and in helping him to achieve that which he as an individual needs. The needs of men on probation of course differ from those of women and girls, and again, the children present other problems. Each probationer must necessarily be treated largely on the basis of his peculiar needs, which fact leaves much to the discretion and judgment of the probation officer.

We believe, however, that it is possible to make certain general rules for various classes of probationers. In work with human beings as with inanimate materials, there are rules of conduct and similar reactions which may be studied and classified, and rules and principles deduced therefrom. In applying these standards, however, the personal and individual factors should not be overlooked.

As Moran has said: "When probation is properly evaluated, its value to all the members of the community will not be based upon terms of its economy, the amount of money collected from nonsupporting husbands or for fines paid in installments, or the number of jobs found. There will be only one standard for successful probation work, and that will be, was the probation treatment given effective in changing the attitude or the point of view of the probationer, and does he look at life in a different way?"²

Probation officers should not forget their relationship to the larger fields of social work. Probation is only one factor in the great leavening processes which social work in all its phases is effecting in this country. Probation does not differ essentially in its aims and functions from any of the other great divisions of social work. The probation system, in common with all the other social organizations, is dealing constructively with

² Frederick A. Moran, *Where Are We in Probation Work?* p. 15.

the same kind of material, namely, human beings. If probation officers will only keep this larger point of view constantly in mind, they will be able to maintain a sane and scientific outlook; they will not become obsessed with an exaggerated sense of their importance; they will not attempt to do alone what can only be accomplished by the active and wholehearted coöperation of all the constructive forces of the community. Keeping the magnitude and the significance of their tasks constantly before them will stimulate their ambition and arouse in them allegiance and loyalty; it will impel them to labor more diligently and more thoughtfully, and thus inevitably lead them to the accomplishment of larger and more permanent results.

Social workers and probation officers should remember always that they are the torch bearers of that truth which Dean Pound has called "the most important change of the century—the transference of the sense of value from property to humanity".³

³ Roscoe Pound, Dean of Harvard University Law School.

EDUCATING THE PUBLIC ON PROBATION *

JAMES P. KIRBY, *Chief Probation Officer, Cleveland, Ohio*

In his recent book, "Social Discovery", Mr. Edward C. Lindeman says, " . . . there is no public opinion, there are only public opinions ".

It is worth repeating that the principal difficulty with which the advocates of social reforms are confronted is the inability to analyze the public's attitude.

The only index to the trend of popular thought to-day on the question of crime and criminals, as I see it, is the tone of contemporary literature on the subject and the reaction of the public at large, as represented by its elected officials in the legislatures and elsewhere.

The tone of present day criminological literature (if it may be dignified by this appellation) consists in the main of emphatic declarations that we are confronted by waves of crime, and that the administration of criminal justice is inadequate to cope with the problem.

I suppose this viewpoint is best typified by that expressed by the late ambassador to Italy, the Hon. Richard Washburn Child, in his recent book, "The Great American Scandal". Now, none will doubt the honesty of purpose of Mr. Child, but I am confident that in a gathering such as this there are many who will question the accuracy of his conclusions. In that book and in numerous similar documents, the general conclusion is drawn that crime is increasing at a tremendous rate, that our courts are too lenient, and that our prisons are not sufficiently severe.

Through the newspapers and magazines such utterances have had a tremendous vogue. Alarmists appear to have no difficulty in breaking into print with sensational predictions as to the rate of the increase of crime and in conveying to the public generally the impression that severity of punishment is the antidote for the so-called "crime wave".

*Address at a meeting of the National Probation Association held in cooperation with the American Prison Association, Pittsburgh, Pa., October 16, 1926.

It is true that simultaneously with this barrage of propaganda, certain qualified observers have expressed valid conclusions with regard to crime, its genesis and the remedies, but unfortunately such observations are of necessity so technical as to render them unpopular with the public at large.

Now the public is avid for sensation. It must have its thrills at frequent intervals, and in these blasé times it takes something of a particularly spectacular nature to interest a joy-riding and pleasure-seeking society. The public is thrilled at lurid stories of the advancing hordes of criminals, perhaps deriving vicarious satisfaction from the effrontery and temerity, if not especially the marksmanship, of the machine gun crews dispatched so frequently by the generalissimo of Chicago banditry.

As a matter of fact I seriously question whether any one of us here has any definite information on an actual increase in crime or the rate of its increase. It is a fair assumption that at least some of us would be regarded as being in a position to have some authoritative information on the subject. That being the case, it might be pertinent to question the accuracy of the statistics upon the basis of which our alarmist brethren excite the public.

I should like to attempt at this time to point out to you what I consider the net result of inflamed public opinion in relation to the endeavor to achieve justice in the criminal courts. When a spectacular crime is committed, all its atrocious details are paraded in the press. Special writers and even clergymen are employed to interpret this, that and the other aspect of the case for the benefit of an eager public. In fact such cases generally may be said to be tried before the bar of public opinion and to have been decided in the public mind long before the case ever reaches the stage of actual trial in a court of law. Frequently it occurs that the verdict of the jury in the law court is not in agreement with the popular judgment. The public, having been informed of many aspects of the crime and the offender outside the limitations of the rules of evidence which circumscribe the jury's understanding of the offense, will have arrived at a verdict beside which the later verdict of the jury appears to be in direct conflict.

When this occurs, the public feels it has been cheated; the penalty which the public has decided to be applicable in the particular case is not that which the jury's verdict prescribes in the law court. Insinuations, innuendo and dissatisfaction

generally with the machinery of administration of criminal justice then becomes the topic of popular discussion.

It may be asked what effect this distorted public opinion has on the general problem of crime and the administration of criminal justice. In the first place it should be borne in mind that it is only spectacular cases which attract public attention in the press, and that such spectacular cases constitute what is a relatively small percentage of the general run of criminal cases. But the effect on the administration of criminal justice is, as a rule, that the dissatisfaction of the public at fancied mistakes in spectacular cases is vented against inconspicuous offenders convicted of routine offenses such as constitute the volume of all the cases before the court, this dissatisfaction being expressed in the form of jury verdicts of guilty and inordinately severe sentences at the hands of the court.

Now as to "Educating the Public on Probation" which is the topic of my paper, the foregoing presents some rather definite problems. In the first place, while to us there is no relationship between the youthful first offender in a relatively unimportant case and the notorious criminal in one of the spectacular cases, in the public mind all criminals are considered as a group, and the popular theory has it that they should all be treated alike. That is, the generally accepted principle of crime deterrence is the indiscriminate application of severe penalties to all offenders.

The disparity in the approach to the problem of crime between the public concept and our own becomes marked. Retribution forms the basis of the public's accepted belief of the purpose of the criminal law, while we recognize that reformation also is a valid objective, and that it may be achieved without resorting to the rigors of our penal institutions. But we, as probation officers, insist upon individualization in order to determine who should be punished and who may be reformed without punishment; regarding each offender as an individual to be treated according to his own particular needs. This marks the first definite divergence between the viewpoint of the public generally and the probation officer. From this point on, various other divergences occur as, for example, that the probation officer recognizes the necessity for utilizing psychiatric services to better understand the necessity of the particular case, whereas the general public regards psychiatry as a delusion and a snare, a device only employed by criminals and their counsel to cir-

cumvent the law; the probation officer recognizes that treatment to fit the individual offender is a valid method of coping with crime; the public insists that the punishment should be made to fit the crime itself. The probation officer recognizes the economy of probation, as against the social waste and extravagance of the penal system which embraces the prison, while the public demands more and more use of prisons, without counting the cost either to the state or to society.

These are only a few of the outstanding conflicts between the popular concept of what the administration of criminal justice should be and the specialized knowledge of the probation officer and the prison administrator on the necessities demanded by our social system.

As to those upon whom the responsibility rests for correcting these misconceptions, I feel that you will by this time have agreed. But I make bold to point out that here, as in all other fields of endeavor, those armed with facts, as we are, must accept our full share of this responsibility. We have criticized the activities of the press in presenting accounts of crime, and commented upon the problems they connote.

But the press itself, erring as it may have been in the past, to-day gives promise—to me at least—of becoming the most hopeful single agency by which the public may be informed. In support of this I submit that there is developing a sense of responsibility within the press itself manifested by codes of ethics such as have recently been promulgated by the American Society of Newspaper Editors.

It remains for us, probation officers and prison administrators, public servants if you please, to measure up to our responsibility. We are in position to inform the public, through the press and from the platform, of the facts with regard to crime; with the fact that all offenders do not deserve like treatment; that some offenders must be permanently segregated and isolated from society; that others should not be subject to the severities of prison but rather to treatment by the physician; that certain offenders require the guidance and the assistance of the probation officer. It is not amiss, either, to point out that we have no selfish ends to serve. We are not sentimentalists, and we are no less practical and faithful servants of the public if in accepting our share of the responsibility, we contribute in any measure to the usefulness of the less fortunate persons in our community and to the happiness of society at large.

THE CONTACT BETWEEN PSYCHIATRY AND PROBATION

DR. SAMUEL T. ORTON, *Director Psychopathic Hospital,
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One of the very essential features of psychiatric work in the individual case is the making of an estimate of the future behavior of an individual. The psychiatrist on the basis of the technical information which he gathers is asked to determine whether a given individual is apt to become a menace either to himself or to others in the community and it is the great similarity of this factor that correlates so exactly with the intent of the probation program as well as the efforts of the psychiatrist along remedial lines. The psychiatrist is also actively interested in estimating what might be called the amount of social salvage or, in other words, the degree of rehabilitation which may be gained in an individual case by such modification of his environment and by such guiding of him as an individual as is possible in each instance. Here again the aim of psychiatry is very close to that of probation. Psychiatry as a subject deals with variants in human behavior. Estimate of the character of different individuals and of their probable behavior forms a very large part of the universal human experience and hence everyone feels to a certain degree competent to judge of the normality or abnormality of a given individual's actions. The psychiatrist, therefore, finds himself more or less in competition with the whole world in his judgment of abnormal traits and I doubt if there is any specialist in medicine who receives so often information from friends and relatives as to just exactly what is wrong with the patient or as to just exactly what he should do in treatment. The chief advantage which the psychiatrist has in this matter lies in the technical information which he alone can gather and which will reënforce his common sense and ordinary judgment in making a prognosis. In how far this technical information is an essential for adequate judgment cannot be answered with security. The technical viewpoint alone, if not interpreted with good judgment, is very apt to lead one sadly astray as for example in the case of one very widely known psychiatrist who made what we must assume to have been a

sincere effort to explain the criminal tendencies of two very prominent murderers on the basis of phantasies of boyhood which are unquestionably a part of the experience of a great majority of young boys or as another example, that of a psychiatrist who has become imbued with the concept of one particular psychosis that he sees nothing else in all types of delinquents other than dementia praecox.

There are places, however, where the bare facts uncovered in the technical examination are quite obviously of fundamental importance in forecasting the probable behavior of an individual. Outstanding among these instances are the true deteriorating psychoses where a fairly clear cut progress can be prophesied through the observation of clinical symptoms. Very often these clinical symptoms are of a purely objective nature and not dependent on the patient's statements. In this group we find, for example, general paresis, cerebral arteriosclerosis, post apoplectic dementia, senile dementia, Alzheimer's disease and a large variety of other mental diseases resultant upon organic diseases of the brain. In a second group the objective signs are not so clearly cut and the history plays a much more important part and here again the scope of the psychiatrist's experience is an essential determiner. Here we may include particularly the exogenous intoxications, notably alcohol, morphine and cocain. Experience with the course of large numbers of cases of this sort serves as a much more secure basis for prognostic judgment than any study of the individual from the standpoint of physical condition, emotional makeup or mental content at the time of the examination. In a third group of the true mental diseases we might include for discussion both manic depressive insanity and dementia praecox, for while the outcome of these two diseases is very different, differential diagnosis between them rests on observations of variations in much the same functions, their symptomatology is often intermingled and it is often very difficult indeed to recognize with security which disease is confronting us, especially during the early phases. In all of the groups so far discussed, because of the fact that they constitute true mental diseases, the problem raised is naturally a medical one and the need of psychiatric opinion and advice would seem to be obvious.

Numerically, however, these cases form a comparatively small group among those in whom the problem of probation is apt to be raised and it is particularly in the borderline groups which form the rather vague fields of the psychopathic personalities and

the group which includes the lower ranges of intellect that the question arises in how far technical information can be of value in advising on questions of probation or parole. Because of the less clear cut demarcation of the concepts in this field we find here the greatest difference of opinion existing in the minds of the various social agencies as to the value of the psychiatric approach and also we find the widest difference of technical opinion between psychiatrists. What may be positively stated in this regard is that in any attempt to forecast the future behavior of an individual, the broader the scope of inquiry, the greater will be its promise and it is here that the modern psychiatrist calls to his assistance the services of trained collaborators in collateral but closely related fields. From the psychologist he asks an estimate, in so far as our current methods are competent to give it, of the native intellectual capacity and particular abilities or disabilities of the individual. From the psychiatric social worker he expects an estimate of the social horizon from which the individual sprang as well as a fairly elaborate history of the social experiences and home training which have played a part in determining the reaction patterns of the individual and further a historical sketch of his behavior in the past as observed by others. A synthesis of the information gained through these three channels has become orthodox practice in dealing with mental abnormalities in mental hygiene clinics and in court services. The intent is obvious—it is to determine with as much accuracy as is at our command to-day the native capacities, the environmental influences of the part and the current behavior pattern and from these three to formulate a prophecy as to how much the environment of the past has determined a fixed reaction pattern and hence in how far environmental modification might in the future be expected to produce new patterns of behavior.

Not only does the acquisition of this information serve to reinforce judgment as to the probable success of the probation period and to point out those individuals in whom probation will, in all probability, be a failure but it also serves as excellent working capital to determine the type of rehabilitation methods which are most apt to succeed in an individual case. My own experience in this particular angle of the field has been so limited that I have no doubt that there are many in my audience whose judgment as to the environment in which an individual should be placed is better than my own but perhaps I will be pardoned

for hazarding some suggestions based entirely on psychiatric principles. One of the groups in which the greatest interest has centered in recent years is that of the feeble-minded and one cardinal point to emphasize in any consideration of this problem is that the behavior of the feeble-minded child, like the behavior of the normal, is modifiable by training. We may have social as well as asocial and criminal feeble minds. This contrast may perhaps be made for you to the best advantage by quotation from cases of my own observation. One boy whom I know is an adult in every respect except his mind. He is nearly six feet tall, weighs over two hundred pounds, has passed his twenty-fourth birthday but his mind measures only about that of a twelve year old child. He has, however, had the advantage of a very careful home training under a mother of high principles and good moral stamina, and consequently this boy is well adjusted socially. He is never a behavior problem in his home or abroad. He has a position in which he does work of a calibre which his mind is able to encompass and by which he earns more than enough income to take care of himself in his home environment. He probably does not have the judgment to be able to care for himself alone in the community but under the protection of his home he is quite a competent individual. A second case which may be contrasted with this one is that of a boy who was committed to my service charged with murder of a four year old negro boy playmate. This boy had passed his 15th birthday and had a mental age of a child of 9 years of age. The intellect defect in the second boy is somewhat greater than that of the first case quoted but the difference in their social behavior is far out of proportion to their actual intellectual differences. These two children came from very different stock, it is true, but they were also raised in very different environments. The second boy was a native of a social cesspool which formed an excrescence on one of the small cities of this state. The suburb, if it can be so called, was just outside the jurisdiction of the city police officials and had not received much attention from the county officials and served as a haven for bootleggers, petty thieves and other sorts of criminals. I feel very strongly that the environmental element in this case was a much larger factor in determining his behavior than was the actual mental defect. This point has, of course, been strongly emphasized by such men as Fernald in Massachusetts and Bernstein in New York, who have carried out parole experiments with feeble-minded cases after extended

periods of training in their institutions. This I realize does not conform to the general feeling concerning feeble-minded cases and particularly to that group of the feeble-minded to whom the name moron has been applied. This word in its original psychological use meant merely a child whose intellectual rating falls at a certain place in the mental scale. This place is just above the imbeciles and below the dull normals and in this usage it has no bearing whatsoever on social behavior but indicates merely intellectual equipment. The name moron itself comes from the same root as the last syllable of "sophomore" which as you know was a joking term meaning wise fool which was applied to second year college men. Through misuse in the lay press, however, this term has come to be widely associated with feeble-minded cases of criminal types and particularly with cases of sex perversion whether or not feeble-minded.

The feeble-minded as a group cannot, of course, compete with normals in an unrestricted environment. Many of them, however, are especially good at mechanical work and when well trained to do work which is within their capacity most of them are stable, dependable workers and they are much more contented when they are so trained and at work than when left to shift for themselves in a competition which is altogether too keen for their capacities. They need supervision, of course, in matters of general judgment but can do a great deal to carry their own economic load under such supervision. A selection, therefore, of the environment into which a feeble-minded case is to be paroled to prevent exposing him to unjust competition and exploitation is of cardinal importance in his rehabilitation.

Of the psychopathic personality types each may be said to show certain dominant traits which should be effective in guiding the choice of placement or probation. One of these groups, the paranoid, is characterized by a striking suspiciousness of makeup and the individual of this group is constantly of the opinion that he is being mistreated, his advancement is being thwarted by those above him, conspiracies are being formed against him and all sorts of accidental and impersonal happenings in his surroundings are taken by him to be evidence of a plot against him. Such a case of my own observation was that of a man of approximately 30, in good physical health and a competent worker with a wife and three small children entirely dependent on him for support, who for several years had held no job for a period longer than several weeks to two months. In

each instance he threw up his job because of a feeling that he was not getting a square deal. He had considerable understanding of his own suspicious nature and was able to make a certain degree of adjustment to it and our recommendation was that occupation should be found for him under the guidance of a tolerant foreman to whom this peculiarity could be explained in detail and who would sympathetically help the patient himself to eradicate this idea of persecution. Obviously the paranoid individual cannot be put into work in which there is very keen competition for advancement. To hope for success he must be placed under the supervision of a kindly understanding overseer.

Another large group of the psychopathic personalities is that known as the unstable emotional type. These cases are characterized by a lability of the emotional reaction in both directions. They are easily pleased and easily discouraged. They are very easily angered and frequently impulsive almost to the point of violence in their anger. Naturally, individuals of this makeup must avoid those occupations where there is a great deal of inherent emotional excitement and naturally also they should be under the guidance and supervision of someone who understands their temperament and will be tolerant of their moods.

Another very considerable category of psychopathic personalities is that characterized by marked feelings of inferiority or inadequacy. Very frequently indeed these individuals are competent to do very much better work than they themselves believe and obviously the first essential here is to determine the highest type of task which they can be expected to accomplish and then to fortify them with a considerable amount of encouragement and pressure but with a sympathetic understanding of their peculiar limitations. The same pressure which is so important to the best adjustment in this group is as you can see quite contra-indicated in some of the preceding groups.

There remains one residual group of the psychopathic personalities of which I hesitate to speak. They form an unsolved technical problem and apparently a rather hopeless social problem. This includes the moral imbeciles, pathological thieves and pathological liars. In how far these individuals are inherently abnormal and in how far their abnormalities are the product of training and experience, I will not attempt to answer. I have seen cases of this type whose history seem to indicate that they were incorrigible practically from birth and would respond to no type of training. I have seen others in whom one has had

the very strong feeling that if the training had been slightly more rigorous or slightly better planned the outcome would have been entirely different and I am frank to say that I cannot estimate for you the part which heredity and environment play in the genesis of such cases. One thing I think we can say of these groups, however, and that is that once they have reached adult life and still exhibit these tendencies the chance of rehabilitation to permit their acceptably re-entering the social life of the community is a very slender one.

ENLISTING THE STATE FOR PROBATION *

MRS. KATHERINE GIBSON, *State Supervisor of Juvenile Court Work, Little Rock, Arkansas*

Almost every person has some idea of the meaning of the word "state"; but I make no pretense of being able to define it accurately. To me the state is a variable complex quantity, capable of amazing inconsistencies; yet with all of its weaknesses occupying a place of preeminent power. Recognizing this power, it is well worth while for us to consider how best to enlist it for the development of probation.

The legislature—or Congress, if it is a national project—is usually the first point of attack. Thanks to those persons and organizations who have actively interested themselves in the passage of probation laws, many of the legislative battles have already been waged, and to a certain degree they have been won. There is a classification of legislation that I like to use: legislation planned, legislation passed, and legislation practiced. Considering probation legislation from these three standpoints, we do not doubt the excellent intentions and expectations of those persons who planned and drafted and "propagandaed" in order to secure the passage of the probation laws of the several states. That they have worked vigorously and well is proven by the fact that although legalized probation is a comparatively new practice, every state now has some sort of authorized probation. But the lack of unity in these laws is a grievous handicap. Fifteen states have limited probation to juveniles only; Wyoming permits its practice only in adult cases; several states allow probation in certain courts and deny it in others; some other states permit it for offenders who have not committed specified felonies. These statutory restrictions seem quite absurd, since they defeat the purpose of probation without giving it a chance. We may safely say, then, that in many states the planning and drafting of probation laws have not been altogether wise; though we must not forget that in several states where the original laws failed to pass, substitutes had to be accepted.

* Address at a meeting of the National Probation Association, held in cooperation with the American Prison Association, Pittsburgh, Pa., Oct. 17, 1926.

We are all familiar with the difficulties to be met and overcome in order to secure the passage of these laws, be they good or bad; comprehensive or limited. I imagine that Mr. Chute and others could speak with enthusiasm upon the battles which they have waged with Congress to secure the enactment of the Federal Probation Law.

But what about the practice of these laws after their enactment? Is it better or worse than the laws themselves? Do we always have probation service where the law permits it—even where it is required by law? And if the courts do have probation service, is it always worthy of the name? I think that we will all agree that the practice of probation is much worse than the principles set forth in the statutes. Just here I think of the significance of Pope's statement when he said, "For forms let fools contend; what's administered best is best". Despite the lack of unity of our probation laws; despite the limitations or any other weaknesses that may belong to them, their greatest weakness is in their administration.

How shall we enlist the state for probation? By a wiser and more skillful and successful administration of the probation service itself. I have sometimes thought that those of us who are deeply and actively interested in probation are guilty of seriously hurting our own cause. We are forever talking about how cheap probation service is, and what amazing quantities of it can be done by one probation officer. Now, good probation work is not cheap. Of course it is cheaper than institutional care. It should be, since it does not include lodging and meals. But it does require the personality, skill and ability of one who is expert in the art of working with human beings. Such a person cannot be had for cheap wages.

It is difficult to conceive of a system of justice that will, in effect, say to an adult or a juvenile offender: "You are guilty of a serious offense. The old method would have awarded you imprisonment or institutional control. But I am going to place you on probation. You are to be guided and directed by Mr. Blank, the probation officer of this court. Mr. Blank is not educated; he knows nothing of the psychology of human behavior; he is not capable of inspiring your respect and admiration. He has little influence in the community and will not be able to render you much assistance; *but his service is cheap* and I expect him to work out a plan for you that will satisfy the court and restore you to good citizenship." This, of course,

is never said; but it is frequently done, and probation as a process of reformation, and the offender as an individual, suffer thereby and lose their chance to make good.

I believe that if we are to impress the state with the importance of probation as an instrument of public justice, we must begin to abolish the too prevalent idea that probation is cheap and that anybody can serve as a probation officer. Would it not be well to substitute the word ethics for economy? If probation is a profession which proposes to render a definite service to human beings, it is worthy of its hire; and one good probation officer can do more to spread the gospel of probation than ten poor ones.

Let me illustrate: While I was considering what I would say to you to-day, a résumé of a case, handled by one of my workers, came to my desk. It is brief—may I quote it verbatim?

"This month one of the most appealing cases on the juvenile records has been cared for by your probation officer. Let us for convenience call the girl Susan. Susan is fifteen years. She ran off from the place she called home in an adjacent county. Dressed like a boy, she came to Helena hunting for 'the lady who looks after girls'. She went to a boarding house and asked for the probation officer, writing her request on paper—she pretended to be deaf and dumb so that she would not be questioned. When the probation officer arrived she became instantly articulate. She told so strange a story that the probation officer began to check up the details at once. Upon investigation, every word was found to be absolutely true.

"Susan said that her father, who had been a 'bootlegger', had been killed about a year ago; and that her mother ran a boarding house. Most of the boarders, Susan claimed, were 'star boarders' of her mother's. She said that her mother lived with a man who had tried to kill her for refusing to live with him also. Her father, she said, had been a lawbreaker, but had always been good to her. He had told her that her honor was all that she had and that she must defend it at all costs. He had been told of the work done by the probation officer of Phillips County, and he made Susan promise that if anything ever happened to him she would go to the probation officer. Susan, who adores her father's memory, threatened to run off, and her mother hid her clothes; but a man gave her some overalls and she took five dollars that she had had hidden away for an emergency and came to Helena.

"After a thorough investigation and several weeks of observation, Susan was found to be intelligent and eager to go to school. A plea was made to the women of the Episcopal Church for clothes and money to send the child to an Episcopal school. The outfit and money were obtained and Susan is safely in school. She declares she is the happiest girl in the world."

I do not cite this case because of any peculiar or salient facts; or because of any unusual case work. But here is a case where good probation work has stretched beyond county lines, over legal jurisdiction, and made itself felt in an adjacent community.

In America we are great quantity producers; we love to do things that total up in large numbers. We receive reports in our office from our county probation officers. The figures found in some of them are amazing—almost preposterous. I remember a report from a small county with an alarming number of cases of neglect, dependency and delinquency. I knew this particular county reasonably well, and the report brought forth a mixture of curiosity and suspicion. Upon investigation I found that the number of cases handled had been greatly enhanced—padded, if you please, in order that the judge and members of the appropriating body might be impressed with the vast volume of work being accomplished.

Now there are tricks in all trades, and a bit of intrigue is often permissible. I have discovered that physicians and attorneys and preachers and teachers occasionally resort to it; but, on the whole, I believe that in probation it is quality, not quantity production that is going to impress itself upon the citizenship, the legislators, chief executives and judiciary of our states. The quantity producer cannot possibly keep accurate case records. He cannot bring all of the needed specialists and activities into the life of the probationer—and last, but not least, if he has anything of himself to give (and if he hasn't, he ought not to be a probation officer) he cannot, by any method, contrive to spread it over so much surface.

There is an old saying, though I do not know how true it is, that we are our own worst enemies. If it be true at all, I think we should be permitted to add that we are also our own best friends. So it is with probation—it is its worst enemy; and again, it is its best friend. Poor probation work in one court, one community or one county hurts the progress and hinders the spread of probation in a much larger area than the one

definitely affected. In precisely the same ratio, good probation, like Portia's candle, throws out its beams far into the distance. Its rays make their way into legislative halls and judges' chambers and the offices of chief executives. They even find their way into that unimpregnable container known as the public purse.

The public is traditional in its method of thinking; it is indifferent and consequently it is ignorant; but the public simply cannot resist success. Whenever probation can say: "He was blind—now he can see; he was lame—now he can walk; he was sick—now he is well; he was hungry—now he is fed and can sustain himself"—then probation no longer has to beg for its own means of life. I do not wish to suggest that with a few successful cases probation will rapidly come into general usage; nor that the state will immediately create and maintain adequate and high-class machinery for probation purposes; but I do believe that, more than any other thing, successful probation work in itself will challenge the value and the ethics of institutional control; and give itself a chance to prove itself.

Much of the success of probation service cannot be measured; for while probation officers are trying to work out the salvation of their probationers they are, consciously and unconsciously, changing the family, neighborhood and community situations that have brought about the delinquency or crime of their charges.

Probation is helping to change the standards and the ideals of the school and the church. It is bringing together agencies that were once non-cooperative; it is gradually dissipating the old desire for vengeance; and at the same time it is making a large contribution toward the building up of a technique for the prevention of crime. The value of this part of probation work is not to be minimized, but unfortunately many of our chief executives, judges and legislators are not moved by this phase of probation. To them it is a vague abstraction, and their minds demand concrete demonstrations. That probation is to move slowly seems inevitable—perhaps it is better so.

If I believed in fairies (and I do sometimes, but not this time) I'd say that the way to enlist the state for probation was to elect, in every state, chief executives who were socially minded, and would with ardor—oratory, if need be—show their legislatures the need and value of state probation commissions, properly equipped to spread the gospel of probation. And in our

seats of public judgment we would place men who considered their courts great research stations, where human beings were to be studied and classified and treated and given a fighting chance to go forward despite the errors of the past. But why idealize? Even if the fairies brought us, from unknown realms, these ideal executives, legislators and judges, the process of educating the public, still reeking with the desire for vengeance, would be long and arduous.

We are not to be discouraged, however; for we know that probation is a move in the right direction. It is not animated by sentiment, but by science; for it is a process designed to ascertain the truth—a process of individual investigation, diagnosis and treatment. It is even more than that; it includes a consideration of the whole network of social relations that have influenced the behavior of the offender. It thereby becomes a great agent in prevention as well as in reformation.

Enlisting the state? It is no easy task, for the state still strives to solve its problems *en masse*, and prevention and probation come in individual lots. So does every other worth while thing that is done for human beings, particularly those in need of special care. Dare we hope that governments, state and national, are undergoing a period of reconstruction? Having lost something of their old prestige, supposedly divine; having been forced out of their simple forms and functions by a highly complex mode of existence, the time is fast approaching when governments must depend upon science and efficiency if they are to meet the tasks which face them. But back of governments is ever that dominant power that we call the public. Here is a group of twenty, or perhaps thousands, who have some information in regard to proper processes of reformation; who believe that certain methods ought to be pursued by the state. Perhaps they are diligent and wise in their activities; but on the other hand there are hundreds of thousands of citizens who know nothing, believe nothing and care nothing about problems of prevention and reformation, unless perchance, crime has knocked at their own door—even then their attitude is apt to be wholly personal and selfish. The politician knows that he is safe in the hands of this large majority. He is content to follow the old methods and assumes no initiative—no leadership.

We have not done enough research work to know very much ourselves; but some knowledge is available. A wide dissemination of this information would be valuable, and this educative

process ought to begin at once. Special education in statecraft for all of our public officials would certainly be a great benefit.

I think we can readily agree with Mr. Darrow, in a recent article in *Harper's*, in which he says, "Saving criminals is, in the last analysis, only saving children; and saving children means not only saving criminals, but their victims also." I personally do not find it possible, however, to agree with Mr. Darrow when he says a little later in the same article, "It is not difficult for the student to find the causes of crime. When they are found, it is not hard to prescribe the cure." I believe that it is very difficult to find the causes of crime, and even more difficult to prescribe their cure. But I also believe that good probation work, coupled with the keeping of accurate and comprehensive case histories, has a part to play in this research work and in the program yet to be worked out for prevention; and my earnest hope is that probation will never lose sight of the vast importance of this phase of its work.

STATE AND COUNTY ORGANIZATION OF PROBATION, SYMPOSIUM

EMMA O. LUNDBERG, *Child Welfare League of America,*
Chairman

MISS LUNDBERG: This session should be the beginning of something quite definite in our decisions on the types of state service that we want to see developed. There are about us many types of service, all of which have good features, but we can do little more to-day than hear from the various representatives about their state programs, what they are trying to put over, and how they are trying to do it. By next year and in the years to follow, perhaps we shall have the more concrete discussion we desire on what the features are that we should definitely work for.

You know that the Standard Juvenile Court Law, gotten out by the National Probation Association was produced only after years of discussion. This gathering may be the beginning of something of that kind in developing standards of state supervision, state promotion of probation work.

The thing we want to keep in mind in our discussion is not so much the organization nor the mechanism, as the standards of probation. We have to have certain mechanisms, but the principally important thing that we are all driving at is how to get good case work in probation service, how to get that service into every part of the state, not only in the big cities where we find it to some degree now, but also in the smaller communities.

The development of state supervision and state educational work has been quite rapid in the last few years. In a number of states the law prescribes the procedure that the state can follow to cooperate with the local authorities, and others, but the law does not define what the state organization must do or must not do.

ARKANSAS—MRS. KATHERINE GIBSON

Since 1923 the State Juvenile Court Department of Arkansas has been a division of the Attorney General's office. We were formerly a division of the State Commission of Charities and Correction, but in 1923 the Governor vetoed the Commission's

appropriation. The work of the State Juvenile Court Department had made itself felt and a special law, passed at an extraordinary session, placed us in the Attorney General's Department. Since the beginning of the work in 1921, I have had charge of it.

Our system, from a legal and practical standpoint, is far from perfect—there are weak places in our fabric. It is true that we have grown from four to twenty-four chief officers, with ten paid assistants (some of the assistants being negroes); but it is also true that we have no organization in fifty of our counties. Our juvenile court judges have no particular qualification for handling children's cases. The law does not even require them to be attorneys—not that an attorney always makes a good juvenile judge, but he has necessarily stood some sort of an educational test. The fact that any man who wishes may run for county judge (and thereby, juvenile judge) is the weakest and the worst feature of our system. However, our judges are often men of fine spirit; this has been demonstrated by the fact that a number of them have signed vouchers to pay trained juvenile probation officers salaries greater than their own.

The strongest point in our juvenile court law is that in every county where a juvenile probation officer is to be appointed, the law requires the appointment of a juvenile court board of six citizens, both men and women. This is a rotating board—thus a judge may come and go, but a good probation officer remains; for the law confers the power of selecting the probation officer upon this board. It also requires that they work in coöperation with the State Supervisor of Juvenile Courts, in order that the best persons may be obtained for the work. The judge, approving the selection of the board and the Supervisor of Juvenile Courts, then makes the official appointment. Their cooperation along this line has been most gratifying.

CALIFORNIA—MR. J. C. ASTREDO

The organization in California so far as the judiciary is concerned is generally the same as in Utah.

The California law provides that probation officers are to be nominated by a probation committee, and the officer nominated is the officer who may be appointed by the judge. The court is the superior court of the county in which it operates. There

are fifty-eight counties in California and fifty-eight juvenile courts functioning with ordinary degrees of success. Annually, in the month of January, the judges of the superior courts nominate and appoint one or more of their number to preside as the judge or judges of the juvenile courts for the ensuing year. That law makes possible the continuity of judges as juvenile court judges, and in a number of instances where in the past there has been an annual turn-over, there has now come a change. In several counties the judge of last year has been directed to continue this year, and I presume he will continue in the years to come.

The State Probation Committee under our California law not only nominates probation officers, but is in charge of juvenile detention homes, and in California, generally, the purpose of detention homes is for clinical rather than detention purposes, in the sense that the child is detained until the reason why he is before the court is made clear. Only rarely and in remote instances is the detention home used as an institution for the care of children.

The State Probation Association has a membership in excess of 200, and meets annually at the same time that the State Conference of Social Welfare meets. That organization has a membership of approximately 5,000 and the time of meeting of these two bodies is always such that delegates to the State Conference may also be delegates to a national conference.

The state organization has for its purpose the betterment of probation practice throughout the state. The program of the annual meeting is usually developed along this line: one principal speaker handles a topic, or not more than two topics, at a full morning's session, and then under specially selected leadership, there is a round table on the particular matter under consideration. By such a plan, face to face contacts are made by various probation officers, who during the balance of the year know each other only through correspondence. During these annual meetings the members have opportunities of ironing out difficulties and establishing happier relationships, based on mutual understanding.

The State Probation Association has had for four or five years a legislative committee definitely charged with the responsibility of scrutinizing all bills introduced in the legislature that may affect social work. The legislative committee really functions. It was in part responsible for the passage of three measures at

the last session of the legislature, one, increasing the rate that might be paid in behalf of a dependent or neglected child from \$20 a month to double that amount, the second permitting the Board of Supervisors of a county, or supervisors of a combination of counties, to establish an adjustment school to be under either the Department of Education or the Probation Committee, or under a committee composed of representatives from both these organizations. Lastly, they have succeeded in changing the part time school law affecting minors between sixteen and eighteen who heretofore have been compelled to go to school only four hours a week, whether employed or not. Now such persons, if not employed, must attend school for twenty hours a week, and the law fixes upon the Department of Compulsory Education the responsibility of finding appropriate jobs for the children concerned.

There has been no legislation in California adverse to probation this year in spite of the fact that there has been a very real agitation in California against so-called leniency to criminals.

IOWA—MISS LOUISE COTTRELL

The Extension Division of the State University has been trying for years to develop social case work programs in the rural counties of Iowa. There are several counties now awaiting qualified workers. The plan is to consolidate the administration of public and private relief in the county under one board which employs a trained social worker as executive.

In most of the counties where social workers have been employed there are no regularly appointed probation officers. Many of the social workers who go into the rural counties do some probation work there also, because in a county of less than 30,000 population, the court has no authority to use money for salaries of probation officers, but the county board of supervisors has authority for employing a county worker to administer public poor relief.

At present the district court system of rotation of terms of judges frequently results in one case's being heard by several different judges. I have known a case in which an application for a mother's pension was refused by one judge, was then filed again, re-heard at the same court in the next term by another judge and granted, when the circumstances remained identical.

Interest in developing higher standards in social work has

reached the rural counties. In fact, we sometimes wonder if the rural counties are not taking the lead in Iowa in asking and maintaining skilled social service. Of the three counties now awaiting a trained social worker, one has the smallest population in the state.

One of the methods by which the University shows the need for social work is of responding to calls from various local groups—the county boards of supervisors, the courts, or the private agencies, giving them leadership in studying their social problems, and in suggesting case work programs led by workers of specialized training and successful experience.

MINNESOTA—MR. CHARLES F. HALL

Minnesota has no state organized plan of probation. It does have a state plan of promoting child welfare, and through that plan it seeks to stimulate progress in the rural counties.

As to probation, it exists in counties having cities, such as Minneapolis, St. Paul and others. There are regular probation systems there, and you have had at this conference the chief probation officers of Hennepin and Ramsey counties. I am not certain whether St. Louis County is represented or not. In those counties the chief probation officers, both of the district and the juvenile courts, receive salaries that are fixed by law, but in counties which do not have large cities, there is no provision for special probation officers. The law provides that the district court may appoint a probation officer for a case, without salary. The law also provides that in the juvenile courts of the rural counties the judges of juvenile courts may appoint probation officers. No salaries are paid. Probation officers may receive such compensation for their services as are allowed in juvenile court cases for the serving of papers, which goes at the rate of 6c a mile for travel and 10c for the issuance of the papers. One could not get very rich on that schedule of prices.

I will give you a little picture of what is being done in Minnesota. Probably many of you are familiar with the fact that we have a children's code which places upon the State Board of Control the duty of promoting the enforcement of law for the protection of dependent, neglected, delinquent and defective children. This Board of Control may appoint in each county a child welfare board which shall perform such duties as may be required of it by the Board of Control to cooperate with the

juvenile courts. The Board of Control has consistently endeavored to tie up with the juvenile courts, especially in the rural counties; to promote as far as possible not only the enforcement of the law, but case work in the counties as far as we are able to educate the people to provide it for themselves.

The law is not mandatory. The Board of Control only appoints a county child welfare board on request. This county child welfare board may employ paid agents only when the county or the Board of Commissioners provide the funds, unless the Red Cross or some other organization does it.

We have eighty county child welfare boards out of eighty-seven counties and in twenty-four of these counties we have part or full time paid workers, and in approximately fifteen counties these workers are persons who have had some social service training.

It has been the policy of the children's bureau for the Board of Control that where there is a paid worker of a child welfare board cooperating with the juvenile court, this social worker should be a probation officer of the juvenile court.

The children's bureau has six field representatives, and they divide the state among them into six districts. Each representative has personal supervision over some thirteen to sixteen counties of the state. As a supervisor she endeavors to secure the cooperation of the court. The commissioners get appropriations as far as possible to further the work of probation in the state.

NEBRASKA—MR. LINCOLN FROST

Nebraska is not particularly proud of what it has accomplished along the line of juvenile court probation work, but we are making promises for the future.

Our juvenile court law was passed in 1905 when our two main counties immediately organized their juvenile courts. They have had fairly good courts ever since. Over the rest of the state little has been done because of the lack of paid probation officers. So far as any state authority over the juvenile courts and probation in Nebraska is concerned, it is vested in the Department of Public Welfare, but the Department has no express authority over them. The bureau which should have charge of that work in the Department is the Bureau of Child Welfare. Our recent session of the legislature increased our appropriation so that we are going to add another field worker, and assign her to work

with the juvenile courts. Our present field worker has more calls from juvenile courts over the state than she can possibly fill.

Just a word as to the jurisdiction of our juvenile court, which is perhaps unique. In our desire to have the district judges try as many juvenile cases as possible, we have given authority to them as well as to the county judges, and we have a provision in our law that the county judge shall not act as the juvenile court judge when there is a district judge in the county. That was done simply to try and utilize the superior knowledge and ability of the district judges, for many of the county judges are not even admitted to the bar.

Our probation laws are rather meager. Probation officers are in all instances appointed by the juvenile court judge. We have no civil service.

We have paid juvenile probation officers for only two counties. In the other counties there may be probation officers appointed by the juvenile judge but there is no special authority for paying them a salary.

We have a provision in our Mothers' Pension Law for probation and investigation, and it provides that where the judge has not already got a probation officer with time to do the work he may appoint a probation officer to make the investigation, and provide for the necessary expenditures.

Then we have a divorce investigator who perhaps could not be called a probation worker. This investigator looks into each divorce case where there are children or where there is a default and reports to the court.

RHODE ISLAND—MR. WM. J. HARPER

Rhode Island first established a chief state probation executive on full time in July of last year as a result of a Children's Laws Commission which made exhaustive investigations and naturally found a need for someone who would give his entire time to this work.

The state had several probation officers doing excellent work, but outside of the City of Providence and the work of a few well trained probation officers elsewhere, the state was served by a part time probation force who were giving all the way from \$400. a year value down to \$25. a year for the corresponding salaries they received. That system was done away with, but

with some difficulty, because a few of those who held the positions were rather strongly entrenched. However, by notifying them that in February a competitive examination would be held for positions in the State Probation Department, we were able to get rid of some of the timber that didn't measure up. Competitive examinations were held, and we have now in Rhode Island a full time probation force, nor have I reason to be ashamed of a single appointment that we have made.

Our budget for last year was \$28,000, and for this year, our first full time year, \$52,000, a rather significant increase.

UTAH—JUDGE FRED R. MORGAN

The state of Utah is divided into seven juvenile court districts. Each district is presided over by one or more judges appointed by the Governor, who, with the Attorney General and State Superintendent of Schools constitutes the juvenile court commission. Unfortunately the appointments are guided in a measure by the political outlook. Whatever the political complexion of the commission you will find the judge and the probation officers supporting it. It is a sad situation.

The judge of the Juvenile Court has jurisdiction over all children up to the age of eighteen years and also over adults who may contribute in any way to the delinquency of children. The court has practically all the jurisdiction of the domestic relations court excepting over divorce or adoption matters.

I believe the time is coming in the state of Utah when the present system will be abolished and a court of domestic relations will be established as a part of the district court system. The district court will then acquire all the jurisdiction of the present juvenile courts and also divorce and adoption matters, and I believe that in the very near future seven judges of the courts of domestic relations will be nominated and elected who will hold office for terms of four years, the same as the present district court judges.

I think this is a move in the right direction, because if there is any one contributing factor to delinquency in the state of Utah, it is the divorce courts. Utah has a percentage of twenty-seven divorces out of every hundred marriages in the state. It ranks second in the Union, being exceeded only by Rhode Island.

Now that in brief gives you an outline of our present system

which, however, I am pleased and confident to state will be changed in the near future when a domestic relations court will be established.

VERMONT—MR. RALPH E. DROWNE

Before making a statement concerning probation in Vermont it will be helpful to give some background to the problem there. First of all Vermont is a distinctly rural state, with a population of about 350,000, scattered over an area larger than the state of Massachusetts. The population is made up largely of the original English stock with a very small percentage of foreigners.

Because of the state's comparatively small area and population and the small amount of money available for its different fields of activity, a highly centralized system was resorted to as being the most economical in the handling of the state social work.

All probation work in the state, both juvenile and adult, is carried on by the Department of Public Welfare; the Commissioner of Public Welfare, because of his office, is State Probation Officer and his assistant is the Deputy State Probation Officer.

The State Probation Officer appoints the probation officers for adult cases of whom there is at least one for each county, with two in the larger counties—one a man and one a woman. The officers are paid on a per diem basis, \$4.00 a day with actual necessary expenses allowed. Two full-time women field agents do the larger part of the juvenile work for the whole state. The two field agents doing juvenile work average about 150 cases each. The number of adult cases under the supervision of each probation officer ranges from about 12 in the smallest county to 60 or 70 in the larger. In supervising these cases each assistant works under the direct supervision of the State Probation Officer whose office is in the State House. Complete case records are kept in the files at the central office.

The Deputy State Probation Officer is really the active chief probation officer as he goes about the state making regular calls on the different judges and on each assistant with whom he discusses the difficult cases. He might more accurately be called the supervisor of case work and the State Probation Officer be called the Director.

The workers are untrained but because of the fact that persons of good judgment with an understanding of human nature

are sought quite satisfactory results are obtained considering the small amount of money that is available.

WISCONSIN—MISS HARRIET E. GRIM

In this state authority is given for the appointment of juvenile court probation officers in each county by the judge of the juvenile court, when provision is made for them by the county board. There is no authority for the appointment of paid officers for adult probation work except in Milwaukee County, which has its own probation department under the direction of the municipal court.

Children on probation are in all counties placed under the supervision of local officers, either paid or volunteer. Adults, *i.e.*, persons over the juvenile court age limit, which is seventeen for boys and eighteen for girls, if convicted of misdemeanors may be placed under local volunteers or the State Board of Control Probation Department; if under twenty-one and convicted of felonies they may also be placed under either local volunteers or the state department, but if over twenty-one and convicted of felonies they must, under the law, be assigned to the State Probation Department.

If a person placed on probation under the State Probation Department under suspended imposition of sentence violates his probation terms, he must be taken back to the court where he was convicted, for further action; but if under suspended execution of sentence, the State Probation Department alone decides whether his conduct is such as to constitute a violation, and may take him directly to the institution to which he was originally sentenced.

That, in a few words, sums up the situation in the state of Wisconsin. There are, of course, many weak points that the National Probation Association has pointed out.

JUVENILE GUIDANCE

J. C. ASTREDO, *Chief Probation Officer, Juvenile Court,
San Francisco, Cal.*

When it comes to talking of guidance, that is where I am strong. I think of juvenile guidance as we who have been guides in the great West used to think of our work. I recall the years long past when I was a tenderfoot, so much of one that a certain author spoke of me in derision, but the years that have elapsed since then have permitted me to qualify as a guide, a guide in the high Sierras. To be that means that when you start out with a party it is your responsibility to bring them back safely, and it also means that you must know the essential things to take as well as the non-essentials to leave behind. To me those two ideas are rather good symbolism for social workers and probation officers.

I am assuming that in addressing a group of probation officers, both of juvenile and adult courts, I am talking primarily to a group of social workers, social workers whose keynote is cooperation. Whom do we cooperate with then? First, we have got to cooperate with the home. We want to go in there with sympathy and understanding, to talk over family problems with them almost as a part of the family, and we never want to go in to scold.

We should have in mind that homes to-day are not what they formerly were. The fabric of the nation has completely changed. In this great area that has produced so many leaders of the nation, the conditions under which those people came into being no longer exist. When it comes to labor, the character of labor has changed. The native boy of that day usually went into work that developed his muscle and mind and character together. The home was the main foundation of the incentive that urged him on. To-day over 50 per cent of the people of these United States live in great cities, and large percentages of the people of great cities live in apartment houses.

The home should be something more than a place where you hang up your hat or go to in time of repose, and frequently the probation officer can put his finger on the thing that is wrong,

and by gaining the family's confidence, correct it. Sometimes he can diagnose but not cure; sometimes a condition has run on too long. I have in mind a boy whose home, so far as material things are concerned, offered anything and everything that a boy could wish for, at least so far as the eye could see. There wasn't an article of recreation that that boy did not possess. He owned a bicycle, a riding horse, a rifle, a shotgun, and all of the various things that a rich man could give, but the millionaire father who wanted to do right by his son spoiled him beyond redemption in spite of the probation officer's constant warnings, and the boy is now in a reformatory in California.

So when we come to cooperate with the home we find that poverty of pocket is not the only poverty there and the true social worker, the true probation officer realizes this and goes into the home of his probationer as a privileged friend who can perhaps relieve whatever unfortunate situation exists. He isn't always at first recognized as a friend, but it is for the probation officer to bring such kindly appreciation of what is being done that eventually the welcome will be cordial, and his visits looked forward to.

Considering the relation of the probation officer to the school teacher, there was a time not so long ago when probation officers felt they should not tell the school teacher anything about a delinquent boy, on the ground that if they did so, the whole school might know it, and they had to protect the boy. Those days have changed. The probation officer can talk frankly with the teacher of to-day and can get much help for the child from the teacher. The teacher will plan with you to the end that the boy who doesn't like to go to school but wants to become a carpenter, mason or mechanic, will learn the value of what a school can teach him in reading blue prints, making estimates, and figuring contracts, and if you have the insight which I am confident you all possess, you can help make school seem desirable and attractive.

It is our business to study the boy, it is our business to know these things about him. The time is past when we are qualified to become probation officers just because we are interested in boys. We must know. If we are to be a help to the child and an honor to the profession, we must know.

We must have in mind the necessity of cooperating with the physician, of knowing the physical condition of the boy. Recently a boy came into my office who was six feet three in

height and weighed 190 pounds and who was admittedly a probation failure. He had been a failure for over a year. We sat down and talked things over and I could see no reason at all for his inability to make good. I sent him to a physician in our clinic and had him examined. The report came back that he was normal mentally, but still I was not satisfied. This boy had held twelve jobs within about a year. There was a reason for it all and it was my business to find it. I finally did. I found that the boy's left eye was defective 90 per cent, and that he had lost job after job for no other reason than that the employers did not know this. He was just as much handicapped as if his arm had been cut off at the elbow, and yet no one knew it.

When it comes to mentality, my experience persuades me to believe that the person with a low intelligence quotient responds well to his leaders, and he is good if his leader sets him a good example. I think I speak with your sanction when I say that no court is justified in assuming that a boy or girl is good, bad or indifferent, or should be placed here, there or elsewhere. The court must have facts on which to base its opinions, and if the school records show a retardation of as much as three years, the court should without fail have a mental examination made by a competent psychiatrist.

Now, I come to the most important thing that I want to say. I believe that when probation officers realize the importance in the life of a boy or girl of leisure time periods, then they are coming to their outstanding opportunity as well as their outstanding problem. The working boy works eight hours, sleeps eight hours and has eight hours leisure time. He has also more money to spend in these days than the boy ever had at any time in the history of the United States, and he spends it. There is great need of directing him. We must recognize the fact that boys are like men, they like to get together. While we praise the man because he is a Mason or Rotarian, or whatnot, we sometimes condemn the boy for the fact that he belongs to a gang. It is our business to capitalize the gang instinct and see that it is properly directed, and when the social worker will tie up as a very real part of his job with groups who are doing work with boys, and will put in as much time as he can to developing boys' clubs and giving the youngsters the right lead, he will be developing to the nth degree the technique of juvenile guidance.

Our whole scheme of civilization can be fairly and squarely based on the five great do's and the five great don'ts that were

handed down to us hundreds and thousands of years ago. You must remember that the do's come first, and so let us stress the doing of things rather than the "don'ting". You all know who said, "Don't flinch. Don't foul. Hit the line hard." He hit the line hard all his life; at San Juan Hill, at Washington, and when he was Police Commissioner in the city of New York. I think that was Roosevelt's gospel. True, we have there certain don'ts, but what magnificent don'ts they are. "Don't flinch. Don't foul." Then, "Hit the line hard."

THE TECHNIQUE OF JUVENILE GUIDANCE

MINNIE J. CONRAD, *Probation Officer, Juvenile Court,
St. Louis, Mo.*

In the current magazines you will find an advertisement of the Metropolitan Life Insurance Company emphasizing the importance of observing Child Health Day. It begins by setting forth the dangers which beset children in the grown-up world, then going on to assert that every year thousands of them are brought before the Juvenile Court, where kind-hearted people do their best to salvage them and "volunteer agencies" send men and women to take them on probation.

In the Juvenile Court of St. Louis, probation is decided, *not* by volunteer agencies, but by the Judge of the court on information presented to him by his probation officers.

The Juvenile Court deals with neglected and with delinquent children. Children are brought into court as the result of an investigation requested either by a private citizen or a social agency or through police action. In every case an investigation is made before any child comes before the court. This includes a home visit, usually a visit to the school, and, if the child is working, a visit to the employer. Some cases are studied by the Child Guidance Clinic. If the child is held in the House of Detention, a medical examination is made. All cases are automatically cleared with the Social Service Exchange.

After the child appears before the judge, and supervision or probation is ordered—supervision for the neglected and probation for the delinquent child—the chief probation officer assigns him to such officer as he sees fit—the decision being made, not according to district but according to type, as certain officers deal better with neglect cases and others with those of delinquency.

Once the child is assigned to a probation officer, the officer interviews him, with his parents in the office—talking first with the parents, then with the child, and finally with parents and child together. The meaning of the word "probation" is explained to the delinquent child. It is further emphasized both to him and to his parents that the court does not stand for punishment but for correction and protection.

The child is given a probation card and each sentence on it is read aloud to him, the parents being also told that home visits will be made at frequent intervals. According to a tacit understanding in the office, the first visit is made within three days after the court hearing. I have been referring here to girls' cases. While boys are visited in the home, they also report at the office regularly, bringing their home and school reports.

A social worker said the other day that if she were asked to define the duties of a probation officer, she would answer, "To be a competent foster-parent". That may seem to hark back to the old sentimental idea of social work as opposed to a scientific approach, but if we accept Dr. Cabot's idea that the true object of social work is the "development of character in adversity", I am not so sure but what she was right, for surely a wise parent would use every means at his disposal to build up character, in adversity or out of it.

Pauline illustrates my point. This little girl, then 14, was brought to the court by her father, who declared he could not manage her. Pauline was put on probation and, on recommendation by the clinic, because her mentality was too low to warrant further schooling, was placed in a foster-home. Home after home was tried; after each change she was seen by the psychiatrist, who insisted nevertheless that considering the conditions from which Pauline came, she was making fairly good.

Finally in a home where she had every privilege, and was a member of a club at the "Y", Pauline found herself unable to resist the temptation of taking a rather large sum of money from the foster-mother. The probation officer reasoned with her, saying that next time she felt the imperative need of some particular article, to tell her about it and that she would procure it for her if advisable. At the same time it was felt wise to obtain permission from the judge to place the child for a week in a correctional institution—to emphasize the seriousness of the matter. This was done, and Pauline liked it there so well that she voluntarily told the judge she wanted to stay for some time. Pauline remained in the school for two and one-half years and is now once more in a foster-home. She has charge of two children and is trusted to go to stores with money to make purchases. Pauline has been a useful member of society for about six months now, and while she cannot be claimed as a very brilliant success, she is at least self-supporting and has been saved from the life which must inevitably have been hers, for when her father, who

has since died, asked court aid, a woman "procurer" was endeavoring to obtain possession of her.

The wise probation officer also realizes the need for a saving sense of humor. I had the privilege of being present recently at an interview between a young girl—just 14, who, according to the police, is already a prostitute, and her probation officer. The latter had sent for Mary and her mother, as a home visit had shown that the child was again keeping late hours and associating with the older girl who had been the cause of her undoing. The probation officer was talking very earnestly to the girl, when suddenly something struck Mary as very funny. The probation officer was wise enough to laugh with her, with the result that Mary, who had come in defiant, sulky and with non-cooperation written all over her face, left smiling, happy and firmly determined to obey her probation officer.

Someone has said that in the last analysis the only justification of social workers is that they are teachers—perhaps that is the reason why the probation office in St. Louis lays so much emphasis on the educational value of probation and on the value of at least an eighth grade education for the child. Harry is a shining illustration of the value and use of education in the technique of probation. This 16 year old boy was brought before the court on a complaint made by a relative, alleging that he gambled, kept very late hours, was disobedient and impertinent to his parents, etc. Harry was committed to the Big Brothers. After several months work with him, this organization referred the boy back to the court, saying that he needed the discipline of probation. He undoubtedly needed the advice and guidance of a man other than his father, as there was much friction in the home. The boy was fortunate in having a probation officer who sent him to the clinic to be studied. Harry showed a strong desire to travel; this, coupled with his need of discipline and his inability to adjust himself to his home, made a training-ship seem a good solution. The clinic workers, the probation officer, and the Navy enlisting officer, working together, arranged to send him to a training-ship in California. It was understood that his year and a half in high school, which to Harry had seemed like a waste of time, would help him in a reasonable length of time to enter the Naval Academy at Annapolis.

It is perhaps the neglected child whose case suggests the best field for good technique, for unless the conditions responsible for

the neglect can be changed and the parents brought to a different point of view, the child almost invariably drifts into delinquency.

Take Annie for instance. This ten year old girl was brought to the court by her step-grandmother for advice about adoption. In the course of the conversation, the child made such charges against her uncle that it was felt a very thorough investigation should be made. Physical examination seemed to substantiate Annie's statement. While a warrant against the uncle might have been obtained, it was felt wiser not to subject her to the humiliation and newspaper notoriety of such a trial since it would have resolved itself into the child's unsupported word against the man's. A petition of neglect was filed, however, and Annie was committed to her maternal grandfather and step-grandmother, and supervision ordered.

Annie had an excellent home and was apparently very happy, but little by little the tenor of the reports changed. Annie began to be unduly interested in matters pertaining to sex, and began to have temper-tantrums, during which she would sometimes beat her head against the wall, the next day professing to remember nothing of what she had done. She also began to accuse her grand-parents of ill treatment. The help and advice of the clinic was asked, as Annie developed a capacity for exaggeration which would have staggered Munchausen himself.

Anti-luetic treatment was instituted, and it was not long before Annie began making complaints about the doctor. In other words, she developed such a sex obsession that the psychiatrist felt her sanity was in question. He also felt that the child's one chance of salvation lay in removal to a different environment, since, while the grand-parents were devoted to her, they apparently lacked understanding. A foster-home was out of the question, as the Board of Children's Guardians, who had taken care of her pending court action, had been forced to move her several times owing to her inability to control the "unruly member".

Accordingly a very frank statement of the situation was made to the Sister in charge of the Junior Division of a correctional institution. This Sister was willing to take the child for observation, it being understood that if she proved a detriment to the other children she would be removed.

While it is more than six weeks since the new place has been tried, no complaints have been made as yet to the probation officer, and apparently the regular hours, wholesome food and

wise distribution of work, study and play have helped to divert Annie's mind for the time being, at least, from her one obsession.

But no matter how perfect the technique, nor how closely approved the methods of child guidance followed—no matter how assiduously church, school, library and recreational facilities are called into play, failure is bound to result, unless mutual respect and confidence exist between the probation officer and the child.

CAN THE BOY BE RULED BY FEAR?

HON. HORACE W. FITCH, *County Judge, Canandaigua, N. Y.*

When I was district attorney it was, of course, part of my duty, after the finding of indictments, to arraign the defendants. One of the shocking things to me was that of those who were second offenders, that is, those who had been convicted once before of a felony, more than one-half of them at least would have this history: they had been in either the old Industrial School or some private correctional institution and then in due course of events had served their term in the State Reformatory or one of the prisons of the state.

So that when I became judge of the Children's Court of our county I started my work with a feeling that there was great danger in sending any boy to an institution, and the longer I have presided over our Children's Court the more I am convinced that there are three outstanding reasons why boys should not be sent to institutions if it can be helped.

One is that I believe a boy, especially if he is a young boy, needs love. Now, I mean by that just the old fashioned cuddle love that you and I, if we are fathers, have given to our children; the love in which you take the little fellow on your knee and let him put his head on your shoulder. In fact I believe that it is just as necessary to the development of a normal, healthy, good strong boy to have that close, human touch of father or mother, or some one who stands in the relation of father or mother, as it is for flowers to have sunshine and rain.

Then, too, I doubt if a boy can be sent to an institution without taking a great chance of being contaminated by the other boys there, or making the other boys worse than they would have been if he had not been sent there.

And another reason why it is important that boys should not be sent to institutions is because of what may be called the lock-step system of nearly every institution. Where children are handled by the score or hundreds there cannot be the freedom that a boy should have. Such a system takes away one of the real qualities that make a true American citizen—initiative, with the right to develop it.

During the last five years I have committed to so-called corrective institutions only one out of 27 boys who have come into my court. This, of course, exclusive of mental defectives.

Before I had been doing this work two years I began to realize that fear was one thing which seemed to be responsible for the presence of many of the boys in my court and I started then to analyze cases,—after another period of a couple of years becoming fully convinced that my first impressions were correct. Hence the subject of my talk.

I believe that the court, and all the officers of the court, should regard every child brought before it as primarily good. As a matter of fact, I believe that every boy and every girl was once good, and that if they come to us for correction it is our business to find out what has made them otherwise. I want to say to you that you cannot do justice to children unless you know each child, its characteristics, mental and physical habits, and moral tendencies. Each boy must be observed, treated and reared as an individual and not as a member of a class. Many a boy who has been just as honest as George Washington has been made dishonest because his father, mother or teacher never understood him, never gave him credit for honesty, the one most potent factor in a boy's life for success and happiness. A man may have all the education the great school of learning can impart, but if he is dishonest, not only will he be unhappy himself, but a menace to the community of which he is a part, and perhaps the state. Thomas A. Edison has recently said, "Once convince boys and girls and men and women that if they are not straight and square and honest, if they are not reasonably unselfish and inclined to follow the great precept of the Golden Rule, they cannot possibly be happy, and you will accomplish about all that is really necessary in the way of religious teaching."

I confess that that is not enough to satisfy my own religious sense, but I am fully persuaded that honesty is spiritual power, and that dishonesty is human weakness which inevitably will bring its possessor sorrow. But I find that before I can make the child see the value of honesty, I must take his fear from him, and that can be done only through the power of kindness and love.

If a boy can be convinced that he is not going to be punished, he will usually tell the truth and then there is always more than an even chance to save him. So many boys are raised upon punishment, both when they deserve it and when they do not,

that they expect to be punished anyway and their fear, instilled through continual, thoughtless, harsh and injudicious corporal punishment, becomes so great that they will lie to avoid the punishment when the truth would serve them better. Lying usually leads to stealing and is closely allied to it, especially in a boy's mind; therefore it is of the greatest importance that we prevent the formation of that evil habit, or, if once formed, break it as soon as possible.

I am sure that the greater part of our success depends upon our ability to gain the confidence of the boy; then get the truth about himself and his acts from him, and, finally, make him see that the only sure avenue to happiness is along the beautiful, well-lighted highway of truth with integrity as his guide. And this can be done only by making him understand that the method used to assist him in reaching his goal is never to be considered by him as punishment, but a means to correct an evil habit which he has formed.

It has been most truly said, "The chains of habit are generally too weak to be felt until they are too strong to be broken", and I say to you that the gradually strengthening chain of the habit of prevaricating cannot be broken even by the chisel of fear.

Fear of punishment never made any man truly honest. For a time, at least, and perhaps for all time, it may keep the evil which he has permitted to thrive within him from openly bursting forth and doing violence to his fellow men, but it can never change his true heart and character.

Punishment, in itself and by itself, has little or no value except in so far as it may prevent the spread of evil by warning others and halting the evil doer in his downward course, giving him time for reflection, and, upon that reflection perhaps working within him a reformation.

For true reform must be accomplished through personal desire and action; the desire of the individual to so develop the good which is in him that it will overcome and extinguish the evil. This desire, supported by honest, energetic and tireless effort is the only true avenue to individual reformation.

Too many fathers, mothers and others who deal with children believe that they cannot properly rear and train a boy unless they can instill the spirit of fear into his little soul.

They often make me think that they are trying to follow the advice of an old black mammy. A lady said to her colored cook,

"Susan, how did you raise six such nice boys?" "Well, Missus", replied Susan, "I raised dem dar boys wid a barrel stave and I raised dem frequent."

But I want to say to Susan that she had good boys anyway and if she had used the weapons of confidence, affection and love, instead of fear, she not only would have had nice boys, but boys who would have come to her with all their troubles, sought her advice and thus saved themselves many unhappy and painful trials.

Altogether too many boys are made thieves through fear. They have done something which to them was not wrong at all but to their elders very wrong; have been questioned, told the truth about it and as a reward for their honesty, as they saw it, have been punished. Do you good people not know that most of the evil things which small boys do, to them are not bad? They cannot see it at the time and perhaps will not for years. We too easily forget that we were once children ourselves. When handling a boy's case, we must constantly keep in mind that we are dealing with a sensitive and undeveloped human being—with all their shouting, bluffing, bragging and bravado, boys, as a rule, are extremely and acutely sensitive and one of the principal points to be gained in each case is to get the boy's point of view. This, of course, takes time, patience, the ability to inspire confidence so that he will talk to us openly and freely and an ever present remembrance that we were boys once ourselves and, if we are lucky, still retain some boy characteristics. So often we do not even try to get their point of view, but hold stubbornly to our own, frighten the truth out of them, and then, instead of endeavoring to make them see why it was wrong, we punish them. This cannot happen many times before Jack or Bill lies to avoid that dreaded corporal punishment; soon he takes something which does not belong to him, usually from his own home first, and before we realize it we have a really, truly bad boy on our hands.

Sometimes I think that parents do not want the love of their children, so persistent are they in trying to make them fear them. Let me tell you that you can never make a boy, or girl either, for that matter, love you through fear.

The Good Book tells us, "There is no fear in love; but perfect love casteth out fear." And St. Paul said, "God hath not given us the spirit of fear, but of power and of love and of a sound mind." And then we find parents, teachers and others

interested in the correction of children, trying to give to their boys something God never gave them, nor intended they should have. Then, when they lose their control over them, even though they may be but little fellows, they wonder why. Aristotle never made a truer statement than when he said, "No one loves the man whom he fears." Why a father and mother, to whom of all the people in the world a boy should feel free to go with all his troubles, can sacrifice his confidence upon the altar of fear and, at the same time, destroy within him the greatest thing in the world for them—his love, I never could understand. I have seen more boys started upon careers of crime through the influence of fear than from all other causes combined.

I know what some of you are thinking. You have been saying to yourselves, "That man has forgotten the old proverb, 'Spare the rod and spoil the child'." However, the use of the rod is, in effect, a declaration to the mind of the child that punishment is intended to appeal to his physical senses only and takes little or no account of his mental, moral and spiritual being. It is his motives which govern his acts and his motives are governed more by his mental, moral and spiritual strength than by any sensation from bodily injury or fear of it.

The late President Eliot of Harvard said:

"In dealing with childhood and with youth, it is of the utmost importance to appeal steadily, and almost exclusively, to motives which will be operative in after life. In too much of our systematic education, we appeal to motives which we are sure cannot last. Thus the motive of fear is one of those transitory motives on which organized education in the past has almost exclusively relied; yet it is well determined by the history of the race that the fear of punishment whether in this world or in the next, is a very ineffective method with adults."

Oh, fear, my friends, is an instrument of evil; its possession results in self-inflicted torture; it is altogether too often the product of a perverted imagination; a forerunner of repressions formed through a dread of social disapproval which is most detrimental to the proper development of the normal child. It is the father of selfishness and envy; the annihilator of purpose; an ally of weakness and the bully; an enemy of man.

Let me admonish some of you strong, muscular men to endeavor, at all times, to keep in mind that true might is always accompanied by gentleness. David, the sweet singer of Israel, testified to this when he sang, "Thy gentleness hath made me

great." May every one of your boys remember you as one of the beautiful souls who was gentle toward him as a child.

Some of you good people may be saying, as I have heard many good men and women say, "What are you going to do with this boy? He is a natural born liar." My answer to that is, "There is no such thing as a 'natural born liar'. If the boy is a liar,—and it is true that he may be—something has come into his life to make him one."

The average boy unrestrained and unhampered by fear delights in telling the truth. What is more natural in the normal child than to ask questions? If you do not believe it go out on the street, pick up the first child you meet, walk a block with him and see how many questions he will ask you. If you can inspire his confidence he will ask you more questions in walking one block than you can answer in walking three. This trait is exercised by him not in the hope that he may be deceived, but because he is a real searcher after truth. Experience, reflection and common sense tell us that he has been endowed with an inquisitive mind that he may know.

Sometimes I think that a boy almost instinctively knows that, "It is no proof of a man's understanding to be able to affirm whatever he pleases, but to be able to discern that what is true is true, and that what is false is false, is a mark and character of intelligence." Truth has in its grasp even the unwilling members of the body. Study the changes of expression. It is said that faces never lie. If a boy speaks in the spirit of truth, his eye is as clear as a crystal; but if he is led by evil motives to lie that same eye is cloudy and shift. If a moral man speaks that which he does not believe, he cannot make his hearers believe that which he speaks. His unbelief will be transmitted to his hearers, and despite all his protestations, will become their unbelief. If we can reach the boy's inner self, his soul, we have found and touched the springs of his reformation. Speak to the heart of even the man, and he—for the time being, at least—becomes suddenly virtuous.

So few of us can appreciate with Emerson that the soul is adult already in the infant man. So few of us can realize with Wordsworth that "Heaven lies all about us in our infancy." In dealing with a wayward boy our accomplishments, our profound learning, our money are worth little or nothing. They may be all lost upon him, perhaps even ruin him. But as much soul as we have avails. If we are merely wilful he gives us tit for tat;

sets his will up against ours and leaves us the degradation of beating him by our superiority of strength. But, if we can be big enough to renounce our will and act kindly though firmly through our love, our heart, our soul, setting that up as umpire between us two, out of his young eyes will look the same love, the same soul, the same justice; then our communion will be complete. He will understand and with that understanding will be swept with a desire to reveal and divulge the truth that his soul may be set free.

Stern commands, coercion, prohibitions and taboos cannot lead, educate, stimulate or enlighten; they can only depress and submerge or perhaps verily destroy that "inner self", the soul, which must be found and realized by the boy himself before he can rely upon the voluntary restraints which alone make moral conduct possible.

Again to quote Dr. Eliot: "The real object in education, so far as the development of character is concerned, is to cultivate in the child a capacity for self-control or self-government, not a habit of submission to an overwhelming, arbitrary, external power, but a habit of obeying the dictates of honor and duty, as enforced by active will power within the child."

Let me implore you probation officers to endeavor at all times to find good men and women to cooperate with who appreciate with Masefield that

"He who gives a child a treat makes joy bells ring in Heaven's street,
And he who gives a child a home builds palaces in Kingdom come."

THE CHILD, THE COURT, AND THE COMMUNITY

HON. DANIEL J. BRENNAN, *Formerly Judge of the
Juvenile Court, Newark, N. J.*

The subject assigned to me is "The Child, the Court, and the Community". The court, according to its position in the title, is in a situation like that of liaison officer, I suppose. It is in the position of one of two Irishmen I heard about one time who found a double-barreled gun that was loaded. It was a very unfamiliar instrument to them both. They speculated on its probable uses and one said to the other: "You blow and I will play on the keys."

What happened to one of those Irishmen is what usually happens to the court when it is in a conflicting situation, when there is a pull from the public on one side and from the child, who has a very definite appeal, on the other. We judges are accused of being sentimentalists from time to time. It is a popular notion that as soon as a man goes on the bench he gets either soft-headed or soft-hearted.

We have opportunities of seeing the whole picture, of projecting that picture to the public as part of its education. I have been on various occasions a Catholic, a Protestant, a Jew and an Indian, not taxed, in the process of selling to the public what the juvenile court is all about. In Essex County we feel we have gotten that thing over now. Yet we still have experiences very frequently with the public. I remember not so long ago, there was a lady in our Roseville section who had a very nice flower garden. She had tended it with a great deal of care, and one day she brought into court some boys and girls for taking the flowers. I made what I thought was a very pertinent inquiry: "Well, did they sell them?"

"No," she said, "they didn't sell them." She was very irritated. "Why do you ask?"

"I make a distinction", I told her, "between plain theft and the outcropping of estheticism."

The lady did not see my viewpoint at all, so you see the process is always one of general education of the public as well as the youngsters you are trying to serve. In that process the court

has to have—not the courage of its success—it has to have the courage of its failures. That, it seems to me is the most important attribute in the equipment of a juvenile court judge.

Just a few months ago, I had a boy before me for stealing automobiles; what made the crime very grave was that he stole Hudsons, and I drive a Hudson. I had been waging a campaign against that very thing, because first, property was taken of considerable value thus causing a great deal of annoyance and expense to the owner, and, second, because we were averaging about sixty deaths a month in our state from careless automobile driving.

This boy came before me and I was appealed to by every major as well as every minor politician in the county to let him out, but I was adamant. The superintendent of the parental school of the county where I am came to me. She said, "Do you feel good natured to-day?"

I answered, "I always feel good natured except on Mondays when I hear domestic relations."

"I want you to give George another chance", she said.

"Why," I asked, "because he has a grandmother? There is no charge against his grandmother."

"Well," she said, "he is all she has in the world. He has no mother, he has no father. She has him and he has her and he is very kind to her. She works all day in a factory to keep soul and body together, and this grandson is her sole object in life, the only thing that counts. Won't you give him another chance?"

So I said to this woman, "You make it impossible for me to say no", and I put the boy on probation. The next day he stole another Hudson.

You see why we have to have the courage of our failures, but sometimes we do succeed and that gives us the conviction that we have to go on, that it is worth while going on.

When I was but a short time on the bench, a little girl came in on some charge. She had background, you could see it in her face. You know, when daughters have had good mothers you can see it in their faces. This girl's mother was now dead. Her father had been a man of some standing in the community, but from overstimulation he had been reduced to a point where he was an umbrella mender. It was only a very short time before the child did a perfectly natural thing, she ran away from the parental school; then she did a thing which I think under most

circumstances ought to be regarded very much more seriously than it is at present, she got married while she was still away from the parental school. Then they brought her back. In a day or two, a young man came in and said, "Now, Judge, I am the fellow who married this girl, and it's on the level—if you will give us a chance, I will prove it to you."

So I said, "I will give you a chance. Go out and work and save enough and start some kind of home. In the meantime, we will set to work with Edith and fit her for what I think is the most important job in life, being a mother",—and we did.

At the end of four or five months he came back and took her out of the temporary home in which we were holding her. She came in to see me two or three weeks ago, a fine specimen of happy wife and mother. They now have two children.

The reaction from an experience like that is what makes the judge feel that he is doing something worth while in the court.

In this process of ours of trial by error, in the halting way that we are going at things, we are discovering new truths all the time, but when we make each discovery we have then to do our own pioneering; we have to go out and convince the public that we are not selling shoes by the pair or cloth by the bolt, we are dealing with human material with all the idiosyncrasies that different situations may develop in it, subject to all the accidents and influences possible of environment and heredity, all the contributory causes that grow out of defectiveness and abnormalities.

In talking with our chief probation officer about the first sentence day I had in adult criminal court work, and in figuring out the capital cost of the single sentence, we worked it out that I had probably pronounced sentences aggregating between 100 and 200 years, and concluded that on every ordinary sentence day, I had cost this generation and posterity something between \$18,000 and \$40,000.

It seems to me that, ruling out the spiritual aspects of probation, there is a general appeal to be made here on a fundamental economy theory. We can't of course set up a profit and loss sheet. We can't tell them what to write off in the red every year, but we know absolutely with definite conviction, consciously, that we ought to be able to convince our public that here it isn't solely a proposition of saving somebody for the sake of himself. "If your viewpoint is jaundiced and you don't want

to go along on that theory, it is a proposition of saving you cold, hard cash'', we should say.

There is really no more important aspect of the administration of justice to-day—that is, criminal justice—than the juvenile court; all the rest have purely treadmill probation, and it is singular that in my own profession the signs of it lag so far behind personal experience. In addition to educating the public, we have to educate the lawyers. It is a gradual process.

We are not going to make the world good at the end of this conference, nor at the end of the next one, but each one of these conferences is a milestone along the road, just a step nearer the goal of the thing we are trying to reach. I have a conception of the future that will practically depopulate the jails, based on preventive justice, where certain recent views are going to disappear. We are going to tear a leaf out of the book of religion in its largest sense; we have absolutely an elementary field in the theology that is given to the youngsters at an impressionable age. For a few years, comparatively, we can do nearly anything with the youngster. Now, catching our opportunity in time, we are going to save the youngsters, we are going to save ourselves, we are going to save the community. That, it seems to me, is the job of the juvenile court judge. It is not easy, but the dividends it pays makes the thing worth while even though the judge works all day and talks all night.

JUVENILE COURT STATISTICS

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Many of you were present at the meeting in Cleveland last year when the Children's Bureau plan for obtaining uniform statistics of delinquency, dependency, and neglect was presented. A number of you are already coöperating in the plan. For the benefit of those who may not be familiar with it, I shall take a few minutes to outline it briefly.

Recognizing the lack of uniformity in the present statistics of delinquency and dependency, both as to interpretation of terms and the facts presented, the Children's Bureau, after consulting a number of people who had had actual experience in dealing with juvenile court reports and statistics, worked out a plan for standardizing juvenile court statistics. This plan is limited, for the present at least, to statistics of delinquency, dependency, and neglect, since all juvenile courts have jurisdiction over delinquency and neglect—and most of them over dependency. The definitions of dependency and neglect overlap to such an extent that they are considered as forming one class for statistical purposes, and in the remainder of my talk I shall use dependency to cover these two classes.

The basis of the plan is a statistical card to be filled out for each case of delinquency or dependency disposed of during a calendar year, and for each case of a delinquent or dependent child discharged from probation or supervision during the year. The Children's Bureau furnishes the cards to coöperating courts, also franks or addressed envelopes requiring no postage for use in mailing the cards back to the Bureau. From these cards the Bureau prepares tables for each court, copies being sent to the courts for use in their annual reports if desired. If sufficient material is received, the Bureau expects to publish each year a report summarizing, comparing, and interpreting the material sent in by the different courts. It is hoped that in this way information concerning the trend of delinquency and dependency from year to year will be made available.

The facts presented in the tables are those usually covered in

court reports—such as charges, methods of care pending hearing, manner of dealing with cases (whether through official court action, or unofficial adjustment) and dispositions, for example, probation or commitment to institutions or agencies. The number of different children dealt with is also shown, the number of repeaters, and certain social facts such as sex, race, age, parental condition, and whereabouts of children when referred to court. For cases discharged from probation or supervision, the length of the probation period and the reason for discharge are shown.

There are three cards—tan for delinquency, blue for dependency, and white for probation or supervision. The delinquency and dependency cards differ only in the lists of charges and dispositions. These cards have been arranged in such a way that very little clerical work is involved, most of the information being entered by checking. A bulletin was also prepared explaining the plan and containing detailed instructions for filling out the cards. As questions arise regarding the use of the cards and details of classification, the Bureau will send out supplementary instructions.

After the presentation of this plan at the annual meeting of the National Probation Association last year, copies of the bulletin and sample sets of statistical cards were sent out to juvenile courts in larger cities and to persons known to be interested in juvenile court statistics. Since last May about one-third of my time has been spent in field trips throughout the Middle West and in some of the Southern and Eastern states. The purpose of these field trips was to explain the plan to probation officers and judges, and to become acquainted with different systems of keeping juvenile court statistics and preparing reports, with a view to suggesting how the Children's Bureau plan might be adapted to the use of the courts. Talks outlining the plan have been given at several state conferences.

The response to the plan on the part of the judges and probation officers has been very gratifying. Although not all of those with whom we have consulted regarding the plan have felt that they could promise coöperation at present, practically all have expressed a great interest in it and a hope that they would be able to coöperate later. Already about 80 courts in 20 states have promised coöperation and have been supplied with cards. These courts represent different parts of the country, for instance California, Washington, Georgia, Indiana, Massachusetts, and Minnesota—to mention only a few. The number of cases dealt

with varies from less than 50 a year to several thousand. Among the large cities coöperating in the plan are New York, Philadelphia, Buffalo, Detroit, Cincinnati, Minneapolis, St. Paul, Los Angeles, San Francisco, Pittsburgh, and Washington, D. C.

So far as possible we have endeavored to work through state boards or departments of public welfare, since such departments in a number of states are already working toward state-wide uniformity in records and statistics. Eighteen state departments have promised coöperation in varying degrees. Some have assumed responsibility for introducing the plan to the courts, preferring to have correspondence and cards go through their office. One department has gone so far as to revise its report system so that all statistics of juvenile cases will be obtained through these statistical cards, and another is working on a similar plan. Other departments, unable to coöperate to such an extent, are taking opportunity to mention the plan whenever occasion arises in their contact with court workers. Several departments have furnished lists of probation officers to whom we have sent bulletins and sample cards. Some of the state departments receiving monthly or annual reports from juvenile courts on forms which they furnish to the courts have taken the Children's Bureau plan into consideration when making revisions of these report forms. For instance, one department has substituted for its classification of charges the charges listed on the Children's Bureau cards. Both state departments and state associations of probation officers have given opportunities for the presentation of this plan at district or state-wide meetings.

Most of the courts who promised coöperation agreed to start on January 1 of this year, but a few started as of July 1 and have therefore been using the cards for almost a year. One court filled out cards for the entire year of 1926 and tables have been made for this court for use in its annual report. Tables are also being made for the six months period for courts which started July 1 of last year. In preparing these first tables a number of problems have naturally arisen. Some of these difficulties are due to incomplete or incorrect checking of the cards, which have made it necessary to write back to the courts or work out instructions for editing in our office. For instance, incomplete entries of date of birth and date referred made it difficult to compute age of child when referred to court. As courts become more familiar with the use of the cards most of these difficulties should disappear. Occasionally in visiting courts it has been found that

not all the officers using the cards have been supplied with the bulletins explaining the plan. In sending out the first supply of cards one or two bulletins are always sent, but where there are several officers checking cards we are very glad to send as many bulletins as may be needed.

A mimeographed statement is now being prepared containing additional instructions for checking the cards, based upon questions received from courts and on points which examination of the cards already received indicated were not entirely clear.

We believe that the statistical cards cover the information which most courts keep, or would like to keep, for their annual reports. We also believe that the use of these cards may be fitted into the court work in such a way as to entail no additional burden, at the same time proving of very real value to the court by providing a means of recording statistical data which is comparable with that kept by other courts. With this idea in mind when visiting courts, attention has been given to the form of case records, the methods of preparing reports, and filing systems already in use.

In the course of my visits to courts I have found a great deal of interest on the part of both judges and probation officers in the subject of records and reports. Many have expressed a desire to know of the methods employed elsewhere, and to receive suggestions for improvements of their own systems. In view of this interest, which speaks well for the future development of probation work, and because it is generally agreed that the source of accurate and complete statistics is good records in which information is readily accessible, I should like to take time here to tell of some of the systems of record keeping and preparing reports now in use and to make a few suggestions.

The records kept by different courts vary from very simple to very complex ones. The size of the staff and the amount of clerical help available, together with the volume of work handled, necessarily affect the amount of information recorded. No matter whether the record is simple or complex, the information recorded should be accurate, and entered in such a way that facts are easily found. It should be possible to determine readily from the record certain facts such as birth date, date on which child was referred to court, with whom child is living, nativity, and date and nature of disposition. I have already mentioned the difficulty which we experienced in making age tables because of incomplete entries of birth date and date referred. The best

way to get such information is by means of a simple face sheet and a report of investigation written up topically. Such a method has been provided for in the model record forms of the National Probation Association, with which you are already familiar, and which some courts are already using. Information regarding history while on probation or under supervision appears to be the most difficult to obtain from records, since frequently no record of such supervision is entered on probation cards except dates of visits or reports to the office.

Great differences exist in the methods of keeping social case records. Some courts have a separate record for each child in the family, each child having his own folder. In others, separate folders are kept for each child in delinquency cases but only one for each family in dependency or neglect cases; while others use a family system entirely, information regarding all the members of one family being combined in one record and filed in a single folder. Occasionally records of children referred to court during the same period (for instance, the same week), or children having the same first letter for the last name, are placed in the same folder. Corresponding to these different systems of case records are different card index systems, some having a card for each child and others only one for a family. Records may be filed numerically or alphabetically. Legal and social records may be filed together or separately. Official and unofficial records may be filed together or separately. Sometimes records of investigation and of supervision while on probation are filed separately. In still other courts, information regarding different charges on which the same child has been referred to the court may be filed under different numbers and in separate folders.

Certain local conditions, of course, must be taken into consideration in planning record systems. The organization of the court may determine to a certain extent the basis on which case records shall be made and the way in which they shall be filed, but more often the system in use in a court has no particular reason for its present form other than that it is the one which developed with the growth of the court. A certain method may have been found suitable for the court in its early history, or a system appearing to work well in another court may have been copied. However, a system adapted to a court in its early stages may not necessarily be the best one as the court grows, and a method used in one place may not work satisfactorily in another. Sometimes elaborate systems are developed, separate indexes

being maintained to show different types of cases, different methods of handling cases, or time period in which referred. Index cards for delinquency and dependency cases are sometimes filed separately and further subdivided to show official and unofficial cases, or active and closed cases. Occasionally index cards are subdivided according to the year in which the child or his family was first referred to the court.

It is believed that whatever system is adopted, it should be kept as simple as it is possible to keep it and at the same time be most convenient to those using it. A central card index file should be maintained. Special files may be kept, if desired, to serve special purposes but they should be kept in addition to the central file and not in place of it. A separate card for each child is believed to be preferable to having one card for a family bearing the names of all the children. It is advisable to bring together in the same folder all the information regarding one family. The model record forms of the National Probation Association make it possible to keep separate sheets for each child, with one family sheet, all in the same folder. Certainly all information relating to a child throughout his court history ought to be brought together.

With regard to official and unofficial case records, it seems advisable to use the same record forms for both cases. Many courts are doing a large amount of unofficial work, the case work being very similar to that in official cases. Frequently a case starts as an unofficial case, later being dealt with officially. One child in a family may be dealt with unofficially, while the others are dealt with officially. There seems to be no real reason for using different record forms for the two types of cases. Except where the legal records are filed with the social records there seems to be no reason why such cases should not be in the same file, thus saving the necessity of transferring cases and index cards if a change occurs in the method of handling.

Annual statistical reports may be made in several ways. In some courts the monthly reports of probation officers are combined, the source of these monthly reports being the case records. In other courts the reports are made from tally sheets or books ruled in columns according to the items desired for the annual report, entries on these sheets or books being made currently from the court calendar. In still other courts annual reports are made by having someone run through the petitions filed, or docket sheets, taking off information on tally sheets. One objec-

tion to this latter method is that usually no record is made of the name or number of the case, and it is therefore difficult to check back if an error is made.

We believe that a practical method of recording statistics currently would be to use these Children's Bureau cards, having the upper part of the card which contains identifying information such as name, date of birth, and record number filled out when the case is referred to the court or the probation office. If an application blank or complaint form is used, the cards may be started from this form. One court which makes out its complaint form in duplicate, the original being given to the investigating probation officer while the carbon is kept in a central record room, suggested that the cards could be made from this duplicate. The cards can then be placed together in a file, and the checking completed weekly or monthly as the cases are disposed of by the probation officer or person in charge of statistics. These cards may be used as a source of material for monthly reports, making it unnecessary to get out case records for that purpose. Where courts do not wish to keep statistics currently, preferring to tabulate at the end of the year from a book of statistical entries or directly from petition or docket sheets, the information may be taken off on the statistical cards instead of on tally sheets—thus making tabulation simpler and less liable to error.

Several courts are checking the cards in addition to keeping their own statistical system. This means a great deal of duplication. In the course of visiting a number of courts one could not help but feel that an effort should be made to combine the systems. For instance, the classification of offenses and dispositions in the court's own system and in the Children's Bureau system often differs very little. It is quite likely that the court's purpose would be served equally well by adopting the classification suggested by the Bureau since this is used by other courts with whom it may be desired to compare reports. The same is true of other information. Some courts desire data which are not contained on the Children's Bureau cards. Several have added these items to the cards in spaces free from printing, planning to tabulate this information before sending cards to the Bureau or after they are returned to the court. One court has prepared a fourth statistical card for contributing to dependency cases which are not included in the Children's Bureau plan. This card is of the same size and general arrangement as

the Bureau cards, the only differences being in the lists of charges and dispositions.

I have already suggested that these statistical cards may be used by the courts in preparing their own monthly reports. Similarly, where courts are making monthly reports to state departments it would be quite possible to use these statistical cards as a basis for such reports instead of case records as is often done. This is even more possible where state boards can adapt their classifications to the standard one. It is hoped that as report forms are revised they may be revised in accordance with this uniform plan.

It has been a great pleasure to meet with such splendid coöperation in this plan during the past year. There appears to be a rapidly growing appreciation of the value of statistics as a means of analyzing problems and presenting reports of work accomplished. With this appreciation there has come also a recognition of the value to be derived from uniformity in statistical methods among those engaged in the same field of work. You will be interested to hear that the Bureau of Statistics of the Dominion of Canada developed a plan for the uniform collection of juvenile court statistics very similar to the Children's Bureau plan. This movement was independent of the one in the United States, but came at about the same time. Perhaps we may even look forward to a time when groups engaged in different fields of social work will find it advisable to come to agreement on those elements of their statistical work which are common to all. Since the establishment of the Child Welfare Committee of the League of Nations, attention has been focused on the desirability of having information on various child welfare problems which can be compared on a statistical basis and made available for comparisons of problems and methods in different countries.

We have been very glad, when asked to do so, to make suggestions to courts and state boards as to how report forms may be revised so as to make possible comparisons with others using the uniform plan and at the same time retain any special information desired by the individual court or board. During the coming week I shall be glad to meet as many as possible who are interested in this plan and would like to discuss it further.

THE TRAINING AND SELECTION OF JUVENILE COURT CASE WORKERS

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The work of the juvenile probation officer is social case work with children whose behavior has called them to the attention of the court authorities. It has, therefore, both the strengths and dangers of ordinary case work with children, and of case work under the authority of a court. These will be discussed more fully later, but they should at least be indicated from the start. Children's work is the most appealing of all social efforts; results are more promptly achieved; more people are interested in children than in any other group; on the other hand it may become the most sentimental and dangerous of all types of social effort. The child not only responds promptly to skill; but deteriorates with equal rapidity when handled in a blundering fashion.

Association with a court gives prestige and authority to the probation officer, which simplify certain case work processes, but tempt to short cuts and coercion which defeat the very basic reason for probation; and as a public officer, the probation worker is in danger of defining his task within a narrowly interpreted and legalistic concept. In this he but shares with every other social worker the characteristic advantages and disadvantages of his approach.

I. The Training of the Probation Officer.

The special emphases in training which I should, therefore, suggest are:

- (1) Skill in the interpretation of social evidence.
- (2) Skill in the interview.
- (3) Skill in the discovery and use of a wide range of resources.

I recently heard a juvenile judge quoted as saying that one could not place much dependence upon the statements of a child because he was sure to tell falsehoods.

On the other extreme is the judge or probation officer who is

so impressed by the child's manner that he assumes the accuracy of all he says. Obviously each of these attitudes is wrong; they can be called "hard-boiled" and sentimental respectively. Treatment based on the first will drive the child into greater and greater secretiveness and defiance; while the method of the second may be seriously unjust to others besides the child involved, and encourage him in the pursuit of delinquencies.

A successful probation officer knows that a child is on the defensive when brought into court. He is frightened, or defiant, eager to do or say what will get him out of his difficulty. The ordinary considerations which govern his words have lost their power, and he is in the grip of a strong emotion with the dominant objective of escape. Even if he has passed that phase, if his experiences tell him that there is no real danger, the urge to appear sophisticated or interesting is equally successful in deflecting his testimony.

Nor is the situation much better when we turn to other witnesses. Those immediately concerned speak usually from an *ex parte* point of view: the boy is wholly bad, or he is not bad at all, according as one has or has not been hurt, irritated or scandalized by his behavior. Perhaps this is no worse than the ordinary court experience. But the juvenile probation officer bears responsibility which no officer in a formal court attempts to assume; he must determine for himself the merits of the case, even though the final decision is formally not in his hands.

Nothing but the most rigid training in social evidence will equip him to handle such a task. It seems to me that there are at least three aspects of this training:

(a) He must know the characteristic behaviors of defense, the defense mechanisms as the psychologists call them; how fear causes a person to act; the significance of boasting, of passionate outbursts, of craft, deceit and lying, of stubbornness, and even of hysterical phenomena. Of course, I don't mean he must have only the vocabulary; he really should know by actual experience with many children how these behaviors arise, and their significance to the child and to the testimony he is giving.

(b) He should be skilled at getting to the distinctive sources of information in each case. This is true of all case work, but especially when the ordinary source is as biased emotionally as in probation work. It is the nemesis of case work that one learns a technique of investigation, practices it for a few years, finds a certain group of sources produce the quickest and surest results,

and then settles into a routine: "first see the boy, then his teacher, then his pastor, if he has one, then his employer, if he works, then his parents and sometimes his relatives". When one reaches this routine stage and applies it faithfully and regularly to each case as it comes up, he is dead. Not because these sources should not be seen, but each child is different from every other child, and is known differently from anyone else. Perhaps in one case it is a Scoutmaster who has the key to the boy's strength; in another it may be a grandmother who sees with clear and penetrating vision the net into which the boy has entangled himself; in another case it may be the parents of the girl he is courting. The discovery of distinctive sources of information is essential not because they are unique, but because each child is different, and because in the whirlpool of emotional involvement, it is worth trying to find just the ones who know and who also have kept their judgments unaffected.

(c) In dealing with evidence so highly charged with emotion, skill in determining error in testimony is of primary importance. The fact that all testimony is received by the case worker, to be weighed, accepted or rejected in part or in whole creates a different situation than the judge faces in the ordinary court room. The case worker must know the strengths and sources of weakness of all classes of evidence; he must know an inference from a statement of fact; the sorts of error introduced by degrees of competency and by bias; how the funded thought of an individual determines the character of the information he gives; all this skilled evaluation of evidence must be possible to the probation officer as to all case workers. But in addition, there is one aspect of social evidence which is specially important for him: the relative truth or falsity of all testimony. He is in danger of becoming emotionally involved himself and of looking upon what is said by one witness as all right and by another as all wrong. Particularly is this true of what the boy says, and what those immediately concerned have to tell about him. Capacity to separate the true from the false is invaluable to anyone who would do justice to the boy. Personally, I do not place much confidence in insight or in any method by which one may discover during an interview whether the speaker is telling the truth or not. Lengthening or shortening time interval of response; convulsive movements of face, hands or other parts of body; increase of emotional involvement; it is well for the case worker to know what they may mean, but not very important.

The vital thing is the attitude of mind of the worker who, finding that a boy—or a witness—has told an untruth, shall keep his head; try to disentangle the false from the true, and give to each its proper importance. If a case worker can do that well, he has gained several advantages. Of course, he is more fair with the boy in that the boy's true statements are accepted. But even better than that, if he can isolate the false assertions, compare them with the true, and study their content, he will have a pretty accurate clue to the sort of defense the boy is making, and such knowledge in turn becomes invaluable as a point of departure in treatment.

For the most part people tell the truth. Rarely in our work do people simply romance; create an artificial story for the fun of it. When they tell a lie, there is a reason. Only too often it is our fault: we have been clumsy in our approach and have forced the boy into a defensive attitude. But however it comes, a lie is a social phenomenon to be studied carefully in all its setting. In delinquency it may be the clue which leads to an understanding of habits which have gotten the boy into trouble. One can almost say of a lie what a physician does of a tumor or of a pain: it is data on which a diagnosis is made. It can never be that, however, if the case worker does not rightfully understand it.

The second main skill is in the interview. A good deal has been written on this subject lately, so it will not be necessary to go over much of the ground.

(1) Perhaps the first thing to say is that the interview is not necessarily to find out whether the child is telling the truth or not, but to find out what he is thinking about. Truth and falsity in his statements alike throw light on the facts, but his statements are the only entrance we have into his thoughts. Skill in securing a good interview comes only with much practice and vigorous self-criticism regarding one's failures. Every time a boy does not talk freely to a probation officer, there has been a failure on the officer's part. As stated above, lies are often told in an interview because of the clumsiness of the interview. This is too large a subject to discuss here, but there are two aspects it would pay us to consider.

(a) In discussing the technique of the interview we take into account the client's state of mind, his prejudices, his capacity, his emotional condition. One thing we are likely to neglect is

that in addition to all the above the client is likely to have his own technique. He knows or thinks he knows what questions will be asked, he has heard what the probation officer expects him to do, he is facing an ordeal which he dreads and he has prepared himself for it. This will become increasingly true as case work is practiced and people become acquainted with its methods. I remember a religiously inclined probation officer who sooner or later had each of his charges get down on his knees and pray. The brighter ones took to offering to pray—or even to asking him to do so. No bright child will pass up such a chance as that, and the probation officer who can be so worked is lost; his chance of being of any use to that child is gone for good.

The answer to this challenge is a technique so well mastered that it becomes second nature; so intimately a part of the case worker that it changes automatically with each situation; so perfectly incorporated into the automatically chosen process during the interview that it becomes just plain tact, common sense, and insight. No formula will work even in a majority of cases. The method which is marvelously successful with one child will prove a flat failure with the next one; and a technique which is not flexible and which fails to fit itself anew to each person interviewed is certain to invite an answering technique in the more promising children which destroys the worker's usefulness.

(b) There is a special problem regarding the interview which I can state but not answer. In courts where there is a psychiatrist the probation officer faces a dilemma in the matter of getting the child's own story.

If the case worker gets the interview first, and then the psychiatrist secures it, the boy is compelled to have two searchings of his soul within too short an interval. It is almost a cruelty to subject anyone to such a necessity, and, in addition, at the second time the boy will almost certainly have acquired a certain sophistication; his consciousness of having done evil is supplanted by a sense of being an interesting specimen. This has obvious treatment handicaps.

In the next place, if the psychiatrist does not take the interview, he is at serious handicap in making a diagnosis.

And if the social worker leaves it for the psychiatrist alone to take it, he has established no basis of common understanding with his charge.

My excuse for introducing this puzzling dilemma is that I believe its answer will be found in training the probation officer

so well in the technique of the interview that the psychiatrist will accept it instead of having one himself.

Treatment.

As in the above discussions, I want to touch on only a single aspect on which the training for treatment of the probation officer should be stressed; that is with respect to the use of other agencies. The fact that he is a public official with duties defined by statute, and that he usually is badly overloaded with work, causes this to be the weakest part of the work of probation officers. This has two aspects:

(1) In common with all social work which is organized around the interests of children, there is the tendency in fact, if not in form and intent, to treat the child as if he were alone, to ignore the family of which he is a part and which has been largely responsible for what he is, unless its activities bring it into the notice of the court on its own account, such as neglect, or contributing to the delinquency of the child. A case record was printed in *The Family* recently which brings this out. A fourteen year old boy had been arrested for stealing. The story did not concern him, but any treatment of him alone would have been just so many useless gestures. Only by getting to the problem of the mother could anything be done. She was Polish, suddenly left a widow with eight children, dazed by the disaster of her husband's death, obsessed with fear of losing her children and trying to keep away from all social agencies and support her family by her earnings. Her health was breaking, her temper had gotten ungovernable, her children were badly undernourished and poorly clothed, they were learning American ways and flouting her Polish customs. Only as the whole family situation was treated, the sources of the family difficulties discovered and the resources of the community employed to lighten the burden of the mother, to reconcile her to American ways and to improve her health, was there any hope of doing anything for the boy.

(2) Such a broadly conceived task for the probation officer is only possible as he uses other agencies. And here I should like to make a suggestion, arising from experience in other fields. Why should it not be the practice of probation officers to turn over the case work on their charges to competent social agencies, when the families have already been known to them? That is, the probation officer would carry the case until time of court decision, including getting all the information in the hands of

the social agency knowing the family, and then when the child is put on probation, have the case worker on the family assume responsibility for the child as well. The probation officer would of course be available for advice, would require reports, and that the child appear in court if the court order so stated. But the day by day task of supervision of the child would be taken over by the case worker who had the rest of the family problem in charge.

This would have a double advantage. It would keep the treatment of the family in one hand, obviating the confusion of double counsel which sometimes leads to conflicting orders and confusion. It is always bad for a family for two case workers to be working on it or on any of its members at the same time. The interest of the family requires that all concerned make sincere efforts to prevent such duplication, and to place the responsibility for its care in the hands of one person.

It would also decrease the load of the probation officer, leaving him with children whose families are not known to any social agencies. For that remainder of his load the probation officer would have just so much more time to do a good job.

The precedent of the probation officer and the court turning over certain of their charges to non-official substitutes has been well established.

Again, I am describing training in terms of what it has to do. Perhaps the hall mark of real skill in social case work is cooperation of the complete degree just described. Unless social case workers have full confidence in each other, and each case worker is so confident of his own skill that he is glad to turn over everything possible to another competent worker, because there is so much left to do, such a plan as this would not work.

II. Selection.

The selection of probation officers should be guided by the same considerations as control the choice of any other professional service: the profession itself should indicate those fit for the job. That means either a nomination by a recognized professional body, which is contrary to all our ways of doing things—and perhaps has certain weaknesses of its own—or by a competitive test conducted by qualified members of the profession.

This is especially true of the chief probation officer. Chicago is giving an interesting example right now of the way to do it. As the appointment of the chief probation officer is in the hands

of the judge, he usually sees the value of this method, especially as the particular skill required for the job is out of his own special training.

Whether other probation officers should be chosen by examination or by appointment is not so clear. Personally, I like to give a wide range of freedom to an efficient executive. But in a public office, it might be advantageous to have the appointment protected by such a method, as it is as complete a defense against political influence as has yet been devised. There is one caution, however, in the use of civil service for choosing social workers. There must be some method of dismissing incompetent ones without a trial, even if their morals are impeccable. Efficiency in social work is a positive achievement, and any method of appointment which insures a job to a worker once he is appointed, short of moral turpitude, will clog the staff with an inefficient but perfectly self-satisfied personnel who stay on indefinitely.

As to age, my recommendation is that the younger they can qualify, the better. Age brings maturity of judgment and experience, but it is likely to be accompanied by a fixed philosophy of life which usually has been formed under conditions so different from those confronting our clients that its generalizations are meaningless if not dangerous.

They should by all means be college graduates, with the background of history and of the social and physical sciences to interpret human behavior; with that enthusiasm for the joy of living which college preëminently gives, with that poise, yes even conceit, which the attainment of an academic degree confers.

They should also have had technical training in the processes of case work—either in college, or in a special school of social work, or in a training agency. One cannot possibly learn it on the high pressure job of a case worker in a juvenile court. The worker will become stiff and narrow in method; the children will be injured by unskilled service.

I also believe any one considered for probation work should have had at least two years' experience in another case work agency, in addition to these other prerequisites; a child welfare, family welfare, child guidance clinic, medical social service department. It does not make much difference what its auspices are so long as it is a good training agency. This experience will determine the competency of the worker to deal with behavior problems; it will also furnish skill in the use of technical processes referred to above: ease, flexibility and resourcefulness in

the interview; evaluation of evidence and the wide use of treatment sources. If the worker knows other fields, he will more readily use them, and others, than if he knows but one.

I have reserved for the last the one indispensable quality—a liking for people and ability to win their confidence. Technique can only direct that quality; it cannot create it. If the social worker does not like his clients; is not elated by their successes and depressed by their failures, or cannot win their recognition of that interest, social work is beyond him. There are lots of interesting tasks which do not require that quality; but the social worker must have it. Alone it is of little value, and may even be dangerous; but all the skill and experience which school and training will give are of no avail in fitting the probation officer for his job if he does not like people tremendously. If he does, then nothing he needs to do seems hard; he will be able to see past their weaknesses to their capacities; he will have a faith in them which will awaken a confidence in themselves; he will have ambitions for them, on which their future behaviors can be erected.

DISCUSSION

MEMBER: If a probation officer is handling a child and it becomes necessary to refer that child to the family case working agency for financial aid, the family case-working agency frequently seems to take the stand that it should assume sole supervision of the child. According to law we cannot turn that child over to the agency.

MR. CHARLES L. CHUTE, CHAIRMAN: We have found in juvenile courts that the relationship of probation supervision to the work of supervision of other organizations is a moot question, especially where the other organizations are in first, as they are in so many cases.

MR. J. DOYLE (St. Paul, Minn.): About five years ago at one of our conferences, I had a discussion with one of the probation officers from Buffalo who made a statement that he believed in letting another organization do a piece of work where they were in a position to do it better than the probation officer. At that time it sounded kind of funny because I was thinking of the legal angle of it. However, I believe in almost every instance where we have a case of dependency and neglect, with very few exceptions we are letting a family agency handle it because before the case came to our department the family agency had been working on it anyway. We assist in every possible way. As a matter of fact, the family agencies in St. Paul have a worker assigned to the probation office who is in court at every session.

I do not believe in duplication, but where it is necessary we have one of our workers go in occasionally to let the family know that the court still has something to do with the case. Every month we receive a report from the agencies as to progress.

But getting back to the old question, I do not see why it is necessary for more than one agency, a recognized agency, to work on any one family.

MR. CHUTE: We have all been asked that question. When I have been asked it, I have answered that the probation department, when given a case on probation, had the superior and primary responsibility for the supervision of that child, furthermore that the releasing of supervision unless it is done officially, unless it is done by the court, is a doubtful proposition. It would seem to me that the only occasion for turning a case over to other agencies would be one of necessity. It would be more or less a following out of the idea Mr. Doyle mentioned of letting another agency do the work when it could do it better, but is that the ideal way to handle it? Of course, there are agencies that can handle certain phases of a problem better, perhaps, but the probation department ought to have its own skill and ought to be so equipped that it can do its special job better than any one else.

IRENE KAWIN (Chicago, Ill.): It seems to me that Mr. Doyle hit the nail on the head when he said that you want the family to know the court is on the job. In a case where the court has come in, it is of vital importance not to sever the court's relationship with the family. They should know that you are there all the time. Of course, the type of supervision that you give a case will vary from that of other agencies on the case. Certainly no two people should be making plans for a family and be doing special things, without conferring with each other. It is of vital importance that the family know that the person who represents the judge of the court is coming into their home regularly. They cannot know that, if you delegate your supervision to the agencies who worked with them before they came into the court.

MR. CHUTE: Briefly that would mean cooperation rather than raising the question of responsibility or division of authority. It would mean two agencies working together.

MR. McMASTER (Boston, Mass.): A number of juvenile court officers have told me that the taking of a child temporarily out of the home and placing it in a foster home, as it is done in Boston, gives them a lever in the matter of family rehabilitation. The family will move, or clean up or do a great many other things to get the child returned home. The question is whether the family welfare association should not have that information to work on, or whether it should be left entirely to the juvenile court officers. More can be done with the family if it is impressed on them that the child is out of their hands and will only be returned when conditions are improved.

MR. CHUTE: If anyone has the power to remove the child from the home, it should be no one else except the court. That would be my view. That power is something which should always be in the hands of the court, not in the hands of private agencies.

JUDGE HERBERT G. COCHRAN (Norfolk, Va.): I, perhaps, view the situation solely from the angle of the court, particularly from that of the Judge of the court, but I do have an abiding conviction that it is a questionable and dubious procedure to turn over to anyone else the responsibility for the child which is under the jurisdiction of the court. The court is definitely an arm of the state. It has an authority which a private agency cannot have, and it does seem to me, as has already been stated, that it perhaps gives the people with whom the court is dealing a wrong idea of the situation for the court to relinquish authority to any private agency.

I also have just as firmly the feeling that the court should seek and obtain, as in most cases it does, the cooperation and valuable assistance of private agencies. I think perhaps that is the answer to the question of who can do the job better. It seems to me that there are undoubtedly private agencies which can give a service which a probation department of the court is not equipped to give, and perhaps it is not necessary that the Court should be equipped to do that particular service, but it should always be kept in mind that the responsibility is the state's through the court, and that the court ought not to relinquish its authority.

MR. CHUTE: It is a question of at what point should the court relinquish its authority and supervision. The court should keep on in full authority and supervision during the period of probation.

MR. DOYLE: I think, of course, you will have to consider the locality and what the laws of the state are in that locality.

The question was raised of taking the child out of a home. Every home must be supervised by an agency and that agency must have authority from the state. At the time I took charge of the office, the Director of the Children's Bureau of the State Board of Control took the matter up with me. He thought it would be better for a community to have only a few organizations supervising homes and specializing in that work. He gave certain agencies authority in the city of St. Paul. When we have a case where it is necessary to take a child out of a home these agencies cooperate with us. We also cooperate with them, and we make it our policy to get into the home in every family case at least once every two months.

JUDGE FRED MORGAN (Salt Lake City, Utah): I agree heartily with Judge Cochran's theory of this matter. There is creeping into our work the thought that agencies sometimes should transcend or exceed the jurisdiction and judgment of the court. I have in mind a recent case. About a year ago a child was made a ward of the court who had been left on a door step one evening. It was committed to an orphanage in Salt Lake City which, after about a year, placed it out, as—under our statutes—a child placing agency may place a child out for adoption. After the child was placed, the mother showed up in court. Evidently she had kept very close track of the proceedings. The question immediately arose, was the child legally placed? Did the agency have the power to place that child without an order from the juvenile court of which it was a ward? I maintained that it didn't, and there we have a legal tangle that we have not been able to solve. There is this tendency growing among agencies created for the welfare of children,—to move and act without the cooperation of the court, and when they act under that theory, they are traveling along dangerous pathways. A child that is made a ward of the court ought to remain under the jurisdiction of the court, as the statutes provide, during its minority.

I think that social welfare agencies which are dealing with the court ought to recognize the fact that within the court is found the sovereignty of the state, and that at no time can they exceed by rules and regulations that sovereignty. The court at all times should stand at the head of social welfare movements. Any time you try to make a social welfare agency superior to the court, then you are traveling in the wrong direction.

DOMESTIC RELATIONS COURTS

HON. L. B. DAY, *Judge of the Domestic Relations Court,
Omaha, Nebraska*

There is no matter upon which people venture to speak with so much authority and to give a solution more readily than that which has been termed the divorce evil, and it is the first thing that comes to the mind of the average person when speaking of the domestic relations court.

One judge of a court in Nebraska used to say, "It is not a divorce evil that we have got, it is a marriage evil", and so in all the problems we are to discuss, probably one of the difficulties is the difficulty of marriage. All the experts who speak upon this subject or all those who speak with the authority of experience suggest a remedy, a remedy that will end divorces and make every marriage a happy marriage. Newspapermen, clergymen, and even sometimes social workers, even sometimes judges of our courts give opinions which if followed out would settle the situation. They run the whole gamut, from a repeal of the divorce statutes to that of companionate marriages, or rather trial marriages, while we as a people ridicule the idea of the system of the Russian people! At the present time the Soviet Government's system of marriage consists of registering in and registering out.

Years ago there was a great deal of comment in this country about the system in Mexico, where they were making a bid for the divorce business of the United States, and one enterprising attorney circularized the lawyers of the United States, offering to secure divorces for their clients without residence and without grounds. Nothing could be more satisfactory than this to the ones seeking to sever the marriage relation, and while we have a great deal to say about these people who regard marriage lightly, who go into it quickly and try to get out of it just as rapidly, there isn't a great deal of difference between that system and the system we have generally in vogue in this country to-day. A large majority of the cases that come before the domestic relations courts are default cases. They are in fact divorces by

mutual consent, because the other party is not there. They are glad to have the relation terminated.

The problem is not to be solved by a repeal of the statutes concerning divorce. We have some examples of that in this country. We have one state that has no statute permitting divorce for any grounds whatsoever, and it furnishes a lot of customers for another state which has commercialized its divorce courts as an industry. Then it is just a step across the line to a state where divorces are granted after requiring a year's residence there, and that is a terrific handicap to those who are anxiously waiting to terminate the marriage bond.

The reason that justifies us in considering the matter this afternoon is the fact of the tremendous increase in the number of divorce decrees granted each year. The number now runs approximately 160,000 a year in this country. Last year it was four times what it was twenty years before, and six times the number thirty years before. So prevalent has become the idea that this means the breaking up the homes of the nation that I find title of books written and magazine articles such as "The Vanishing American Homes". Think of it, "The Vanishing American Homes".

Those of us who are engaged in probation work, particularly with juveniles, recognize that success in probation work depends upon a rehabilitation of, or proper adjustments in, the home. We can have all the probation officers in the world working on a particular case, but first of all that child must be properly established in its home. In actual dealings with this problem, and in all that has been written about it, our experts seem to lose sight of the fact that the cause of it lies in a large measure in certain changing conditions, and that the home of to-day cannot be like the home of yesterday, because the conditions are changed—changed and changing. One of the greatest changes has been that in the condition and situation of women with reference to the marriage relation. Back some 100 or 200 years ago, when the woman became the wife, she became the chattel or the servant of her husband. To-day that condition no longer exists.

Then we have changes in the economic situation, whose problems cannot be handled by the old methods to get results accomplished. The various situations must be handled in such manner that society, the man, the wife, and the home may adjust themselves, not only to each other, but to the changing conditions of life.

Adjustments may be made nowadays by which the children of a disrupted family may still have a proper home. The manner in which the courts handled divorce problems some time ago was merely to decide whether or not one party or the other had been guilty of conduct which demanded a dissolution of the marriage tie. If the court found guilt, a decree of divorce was given, and if it did not so find, the decree was denied, but denying a decree did not always make a happy home.

THE DOMESTIC RELATIONS COURT AS A PREVENTIVE OF CRIME

JAMES AUSTIN, JR., *Judge, Domestic Relations Court,
Toledo, Ohio*

In Ohio the latest form of the domestic relations court is that of a division of the Common Pleas Court, over which a judge is specially elected to preside. The theory is to have the family relations all under the same control and thus prevent conflict of authority as to jurisdiction, and conflicting orders concerning the different branches of the family. The Court is a combination of domestic relations and juvenile courts and also has the awarding of mothers' pensions. In round numbers my own Court disposes yearly of 2,000 divorce and alimony cases, 300 criminal neglect cases, 12,000 juvenile court problems and 500 applications for mothers' pensions. The theory on which the Court is established is sound, but I fear the volume of work will become too large to be handled by any one judge. Neglect of children, and offenses against minors are the only crimes, so-called, that come before the Court, and constitute but a small part of its work.

Strictly speaking, the ordinary courts cannot prevent crime. They deal with the offender only, and deal with him not until he has committed the offense. The steps for the prevention of crime must usually be taken before the court is called upon to function. A crime is an antisocial act regarded as such a menace to society that it must be restrained and suppressed by great severity of punishment as a social defense. Many delinquencies are of far graver social concern, and more seriously affect social well-being, but are not regarded nor treated as crimes at all. I shall therefore substitute the word delinquency as it better describes the antisocial conduct in the prevention of which the domestic relations court may become and is, in fact, a very valuable agency. We have learned at last that the attack on crime and delinquency must be made in the direction of prevention. The medical fraternity have shown that the greatest help in the cure of bodily disease is through preventive therapeutics. So will it be found in the diseases of the social body.

The usefulness of the domestic relations court as a preventive agency will be like that of the pioneer mountain guide, who discovers the dangers along the trail and sets the warning signs for those who are to follow.

Divorces, broken homes, impoverished mothers, rebellious youth, are not so much diseases in themselves as symptoms of a disease in the body politic and until we are able to discover in the individual, the family, and society the cause of the disease, we shall make no real gain in our conflict with the evils.

Thoroughly convinced of the necessity of this method of attack, with a view of possibly finding out some facts which would lead to the discovery of the causes of the evils the court was treating, I kept a record of 1,610 cases heard consecutively, and will give you some of the facts disclosed by the records. Some of the inquiries may seem hardly worth while, but in view of the current remedies urged with greatest assurance—such as uniform divorce laws, the making of marriage a religious sacrament, the reduction of the grounds of divorce—all of which may be reflected in future legislation, it seemed wise to be able to state facts rather than make vain assertions. Comparing the facts with the remedies for the evils so confidently proposed, we agreed with Josh Billings that

“It is better not to know so durned much
Than to know so gol durned much that ain’t so.”

But, to the record:

- (a) Does the trouble lie with marriages made in Ohio?

Of 1,098 cases, 563 were married in Ohio; 535 in 35 other states and 13 foreign countries; or, 51% in Ohio, 49% in other states and foreign countries.

- (b) Are marriages with a religious sanction more enduring than civil marriages?

Of 1,007 marriages, 645, or 64%, were performed by clergymen; 362, or 26%, were performed by magistrates.

Of 525 marriages, including 1,050 persons, 398 persons (37%) professed no religion; 63% held to a religious faith—510 (49%) claiming to be Protestants; 126 (12%) claiming to be Catholics; 16 (2%) being Jews. Of the total professing religion, the men were 42%; the women 58%.

- (c) Do children help to perpetuate the marriage relation?
Of 1,085 marriages, 610 (56%) were childless; 475 (44%)
had children; 996 children were involved; 227 couples
had one child; 125 had 2; 1 couple had 13 children.

- (d) Have complexions anything to do with it?
In 233 cases husband and wife were both brunettes.
In 104 cases husband and wife were both blondes.
In 91 cases husband only was a brunette.
In 149 cases husband only was a blonde.
In 324 cases wife only was a brunette.
In 253 cases wife only was a blonde.

All of which may help to solve the question: Do blondes prefer gentlemen or gentlemen prefer blondes?

- (e) When does the danger rise in married life?
In 1,085 cases, 504 (46%) had serious trouble in less
than one year; 333 (30%) had serious trouble in less
than three years and more than one year.
6 quarreled on the 1st day.
1 quarreled on the 3d day.
2 quarreled on the 4th day.
37 quarreled in the 1st month.
458 quarreled in the 1st year.

When I pondered over the short duration of life in these dreamlands, I could not refrain from repeating the epitaph on the tombstone of a three days' old baby in an ancient New England cemetery.

"Since my short life was so soon done for
What in the world was I begun for?"

- (f) How well did the parties know each other?
Of 1,030 cases, 743 (72%) were acquainted one year and
under; the shortest acquaintance was three days.
- (g) Are folks marrying at too early an age and too often?
Of 1,077 cases, 84% of the women married at 30 years
and under.
Of 910 women up to 30 years, 54% married from 17 to
21 years of age.
1 wife was 11 years old when married.
2 wives were 13 years old when married.
9 wives were 14 years old when married.
20 wives were 15 years old when married.
60 wives were 16 years old when married.
149 wives were from 0 to 14 years older than their
husbands.

There were 193 husbands and 357 wives who had been married before.

In 6 cases it was the second divorcee of the same parties. It was the second divorcee for 15 women and the third for 4 women.

It was the second divorcee for 18 husbands and the third for 2 husbands.

It was the fourth divorcee for 1 husband.

The fourth divorcee of this husband was also the third for his wife.

The present difference between old polygamy and up-to-date monogamy appears to be that men and women now drive their wives and husbands tandem instead of abreast.

(h) How far is the trouble economic?

46% of the men earned \$30 and under per week.

26% of the men earned \$30 up to \$40.

(i) What causes appeared for the divorcees?

Among 2,133 individuals, the following were factors:

Gross neglect of duty in 945 cases; extreme cruelty in 469; willful absence in 260; adultery in 264; drink in 157; imprisonment in a penitentiary in 15 cases; bigamy in 5; syphilis in 11; impotency in 3; sex perversion in 2; drug addiction in 2.

Gross neglect of duty in 95 per cent of the cases was really non-support, and coupled with the amount of income above stated shows that Byron, a more than connoisseur in the art, was not too cynical when he wrote

“Love in a hut, with but a single crust
Is, love forgive us, nought but ashes, dust.”

and that, in a great industrial community such as mine, divorcee is not, as many seem to think, a luxury for the idle rich but with us seems to be a necessity for the economically poor.

The stern, harsh facts of life presented to me in more than thirty years of judicial experience with the delinquencies of men and women supported by the data such as I have gathered during a short period of that experience, have given a cruel blow to many a smug conviction I inherited without question from my Puritan ancestors. The domestic relations court has shown me that, in the relations of the sexes, and in the home life built around that relation and the youthful life of to-day, we are undergoing a great revolution of thought and conduct. A

generation is growing up who will not be able to read "The Cotter's Saturday Night" without a commentary, and to whom the "Deserted Village" will read as strangely as the story of Ur of the Chaldees. The trouble with the youth of to-day is that they are finding it difficult to adapt themselves to life in a world of changing standards and morals. The same is true of their elders. Many of the evils of to-day are but the growing pains in the struggle for adjustment to the world of day after to-morrow.

We have established a conciliation department in our court where both parties may come, and in private make a frank confession of their troubles and see if there cannot be an adjustment. About 1,000 cases are considered every year. The object is to prevent the tragedy of a broken home and we are able at least to defer that disaster in 60 per cent of the cases. When the record shows that in a survey of 19,879 children in nine states who were dependent on public aid, only 5 per cent were real orphans, 30 per cent had one parent living and 65 per cent had both parents living, it seems clear that the guilty party in the tragedy of a broken home has often done a greater wrong to the social order than many a murderer or thief. There is no single cause for divorce, but there are greater and lesser causes as shown by the statistics. The Toledo Court is in a great industrial community and the causes may be different from those in an agricultural section. I would place the economic factor as the chief cause of our trouble, not only in itself, but as the source of other secondary causes. We have saved many families by getting out a pad and pencil, figuring out a family budget and showing a couple how to live within their income.

Another great source of evil is ignorance about life. Eighty-four per cent of girls married under 30 and 54 per cent from 17 to 21. The boys were mostly but little older. Into no other contest, athletic, artistic, educational or whatever it may be, would we, or do we, send our youths without instruction as to the rules and how to play the game together, or without the necessary mental and physical training, and still expect them to gain a victory. In the greatest struggle, the most important act of their lives, we allow them to enter ignorant, untrained, uninstructed, and we stand appalled at their defeat and disaster. In every 8th grade, high school and college there should be a thorough instruction of boys and girls in the meaning of marriage and how to live happily though married. To learn that

$a+b=c+d$ may be mental culture, but the mathematics of a family budget will provide a better and far more useful cult.

Having found the cause of the trouble, it is often surprising how simple is the cure. I have restored happiness to more than a score of jarring couples by inducing husbands and wives, mostly husbands, to take a warm water bath with lots of soap. Then, too, our young folks should be induced to put off assuming the duties and responsibilities of married life until they have enjoyed the pleasures of youth and early manhood and womanhood and are able to live unworried by financial burdens. Another way of preventing much trouble would be to consider the rights of the unborn child to be well born, born when wanted, and when able to be well cared for after birth. When it cannot be assured these rights, the only way out that I can see is the practice of birth control. Get me right! I say *birth control*, not *abortion*,—the prevention, not the destruction, of life.

Ninety-five per cent of the cases heard by me are uncontested. In 95 per cent of the remainder both parties want a divorce but quarrel over the children or property. In the former case I find myself wondering if it would not be better to have free divorce in name as well as in fact in that class of cases. It would leave the judge much time to devote to better business and save the court stenographer the labor of piling up reams of,—shall I say perjured testimony—no, rather exaggerated imaginations. After all, the trouble is not too much divorce but too little proper marriage and the bettering of the situation rests with raising the ideals of the contracting parties. So long as marriage is contracted on slight acquaintance, based largely on sexual appeal and founded upon an insecure financial basis, so long will the evil of divorce remain a serious problem in our basic social life. But when woman shall no longer regard man as her lord and master and man no longer regard her as a clinging vine and adoring slave, when marriage shall become a union of free and equal partners; where equality of rights does not mean identity of functions, when, after the glamor of sexual appeal shall wane, as perforce it must, there shall yet remain a true love and affection founded on a common ideal, cheered by a common hope and sustained by a common will to enlarge and enrich the lives of each other by mutual trust, confidence and helpfulness,—then shall we arrive at the structure of the marriage and home of the future which we are striving to see through the mists and reach through the turmoil of to-day.

In spite of these drab statistics, I will say to you that I am
an optimist and firmly believe—

“There’s a light about to beam,
There’s a fount about to stream,
There’s a flower about to blow,
There’s a warmth about to glow,
There’s a midnight blackness
Changing into gray.
Men of thought and men of action,
Clear the way!

Aid the dawning, tongue and pen!
Aid it, thoughts of honest men,
Aid it, paper, aid it, type—
Aid it for the hour is ripe.
And our earnest must not slacken
Into play—
Men of thought and men of action
Clear the way!”

GETTING RESULTS WITH THE FAMILY IN COURT

JOSEPHINE ROCHE, *Former Referee, Juvenile and Family Courts,
Denver, Colorado*

In 1923 our juvenile court in Denver became a family court by an act of the legislature which not only greatly extended its already wide powers in the field of delinquency and dependency, but also gave it control over family problems through an extension of chancery procedure.

To summarize briefly, the court now has exclusive jurisdiction in all cases concerning delinquent and dependent children or persons who cause or contribute to the dependency or delinquency of any child. All adoptions of persons under twenty-one, all guardianships of persons, all matters of custody or disposition of children are also under the exclusive supervision of the juvenile and family court.

The court has coordinate jurisdiction with district and county courts in any criminal case in which a person alleged to have committed a crime is under the age of twenty-one, and in all cases in which an adult in any way offends against the person or against the morals of a person under twenty-one. Also our court has coordinate jurisdiction in annulment of marriage cases in which either of the parties at the time of filing the petition for annulment is under twenty-one.

I will not summarize in detail the delinquency provisions because I think they are quite well known to everyone. The age of delinquency was raised in 1923 from sixteen to eighteen, and any child under that age who commits any of the acts termed delinquencies is brought to the juvenile court for consideration and treatment.

The dependency statute was amended in one or two features which I should like to mention before I take up the subject of the family chancery procedure. It includes in its provisions all children dependent on the public for support, or who are homeless and abandoned, those who have no proper care or guardianship, and those whose environment may be such, or about whose custody such a controversy may arise, as to warrant the state in

taking whatever action may seem best for the child. This is a very broad provision.

Furthermore, our dependency legislation extends to unborn children. Laws of the state concerning dependent children, or persons who contribute to or cause or encourage the dependency or delinquency of children, are construed to include all children under eighteen from the time of conception and during the months before birth. Thus a father is under the same obligation to support an unborn child as to care for one which has been born. This makes it possible for us to do very helpful things for pregnant mothers during the period before the child is born. Parental responsibility for the support of a child born out of wedlock is the same as for a child born in wedlock.

As part of the dependency legislation there is also the Mothers' Compensation Act, which I shall merely refer to. There was an extension of that act in 1923, the legislature passing the Maternity Fund Act which provided for a grant to any mother who was poor and otherwise unable to give adequate care to herself, for six months before the birth of a child and six months after. That fund is at the disposal of the court and is granted to any mother if in the court's opinion her health and the chances of the baby to be well born require that assistance. There is no distinction between married and unmarried mothers. The only stipulation before the maternity fund is granted is that steps be taken and every effort made to have the father of the child support the child if he can be found and made to do so. If that is not possible the grant may still be given the mother. The point of the law is not to help the mother on her own account but to see that the child is well born, that proper care in confinement and after birth is given, so that the child may be assured of at least a start in life equal to that of other children. The court has assisted chiefly in cases of unmarried mothers, although many grants have been made to married mothers too. It has enabled many unmarried mothers to keep their children who would formerly, because of poverty and various sorts of trouble, have had to give them up.

Very closely tied up, of course, with this dependency legislation are the acts of contributory delinquency and contributory dependency. In the trial of adults, any person who contributes to, or causes or even encourages the delinquency or dependency of any person under eighteen, is brought before the juvenile and family court, which has exclusive jurisdiction. If found

guilty the offender may be sent to jail or fined or placed on probation by the court for a period of two years, and other orders may be entered by the court from time to time according to the best interests of the child concerned. This means that a large number of very troublesome family problems are brought before our court under a chancery petition, the chief one being the question of support for the children. That problem was formerly a matter for criminal procedure only, but through being now dealt with under the contributory dependency act, is far more susceptible to constructive handling.

The juvenile and family court functions also as a criminal court for the trial of adults whose alleged crime concerns a child, and of minors charged with a criminal offense. There are generally two or three jury terms a year for the trial of such cases—which are chiefly rape, indecent liberties and a few criminal non-support cases.

We do not handle divorce cases. There are two interesting provisions, however, in the dependency and contributory dependency laws which make our court the final court for determining custody of children, an ever ready tribunal before which child support and child custody cases may always be brought. Any case involving the custody of children in a divorce proceeding in the district court, which is not settled to the best interests of the child, may be brought before the juvenile and family court for final determination. In divorce proceedings the man and wife are the people chiefly concerned and their rights to their child are the things discussed. In dependency proceedings involving custody of children, the situation is somewhat reversed. It is the child's interest, the child's right to its parents, rather than the parents' right to the child that concerns the juvenile and family court, and that which is for the best interest of the child is taken under consideration and custody thereby determined.

I do not mean to imply that there are not many custody cases determined in divorce proceedings, but the right is established to come to our juvenile court as a last resort if the divorce proceedings do not settle the custody satisfactorily. So too with support cases. If the support money is not paid in to the district court, where the divorce decree was granted, and if the woman is poor or ill, and unable to afford the docket and attorney fees, she may simply file a petition in our court alleging non-support. The father of the child will then be brought in before the court

and ordered to give support; his payments will be checked by the probation officer and assistance given in helping him get work and make regular payments. Also the expenditure of the money is very often supervised and aid is given by the officers in the care of the children.

I don't think anything has helped so much in this very difficult family problem of non-support as the bringing of non-support procedure under civil proceedings. There were in the last year, I think, only twelve criminal cases filed for non-support as against nearly 400 under civil proceedings, and we are collecting between \$60,000 and \$70,000 a year from these various cases—money paid into the court by the fathers and paid out by the court for the support of the children.

Inevitably we have many interrelated problems that come into our court in connection with these juvenile and family matters; we have families who have delinquent children, older brothers who may be brought in under the contributory delinquency act and, perhaps, an unmarried mother who needs the help of the maternity fund. Our different departments work very closely in cooperation in dealing with individuals and families. We have three general departments, girls', boys', and that of domestic relations, with a total of six officers. That is a wholly inadequate force inasmuch as last year we handled over 4,000 children and nearly 1,000 adults. Of these children's cases, about 1,000 were delinquents, and the other 3,000 were dependent children.

We have been trying for the last two years, particularly in the domestic relations department, to make as careful a study as we can along social lines of the different problems that people come to us about. We have for a year and a half now had a very intensive social case-sheet which is filled out for everyone who comes to us. Whether it is a filed case or simply a conference case, a record is made. Before coming away I asked the officers to go over about 200 or 300 of their current cases and put together some of the information so obtained. We found that nearly three-fifths of our adult cases came in on matters originally of support, but that when we became intimately acquainted with these people, they had a great many other problems which were equally, if not more important, and in compiling these data we have kept that point in mind. On the back of our daily history sheets we carry the probation officer's analysis of the problems involved, after intimate acquaintance with the family.

Two-thirds of the couples were separated at the time they came to see us. Thirty-eight out of 200 cases were divorced, and 30 were living together at the time they came in, but not happily. Over half of them had been married more than five years, and a quarter over ten years. Nearly half of the women had been married before they were eighteen years of age and a third of the men before they were twenty-one. In a quarter of the cases the trouble began immediately after marriage. In over half, the trouble began before the end of the first year. In more than half of the cases, the first child was born during the first year, and in two-thirds of the cases the child was born within two years. The average number of children in a family was four. Two-thirds of the mothers worked. Over half of them were earning less than \$12 a week. Over half of the fathers earned between \$15 and \$35. A little over one-fourth earned \$35 and the balance under \$15 a week. We found that during the last two years unemployment and low wages were two of the most important causes of domestic difficulties.

Unemployment is a very serious factor in at least a fourth of our domestic relations cases, and we very definitely recorded half of them as due to the inability of the father to earn a living wage for himself and his family.

In checking over the cases for the immediate cause of trouble, we found that out of 300 cases, non-support was the primary one in about half the number. Another cause was jealousy. Sex maladjustment was the cause in about a quarter of the cases. I do not feel that I can close without saying a word about some of the very important things that both men and women have told our officers in regard to their ignorance of sex life when they entered the marriage relation. Nearly every case is handled by both men and women probation officers before it comes in for a referee hearing or goes to the judge, so we have a careful check on these problems from several angles. Over half of the people with whom we talked in the last six months have brought up the matter of birth control. This and the economic factor are stressed more insistently, more frequently, more desperately, by men and women who come to the domestic relations court than any other points in family troubles.

We have had a number of serious cases of sex perversion which have been due, according to the statements made, to lack of information on contraception. There is no one factor which we have found as important in sex dissatisfaction as the fear

which so many of these women have of becoming pregnant. We have no way at present of giving these people scientific information. We have no birth control clinic, and no law under which doctors can safely give it, except in a serious condition of health.

I do not feel that any discussion of domestic relations could be complete without bringing up this extremely important fact along with the unfortunate situation of inadequate wages and unemployment.

Work with children taught us we must push back for causes of delinquency and dependency to the home. Let us hope we will realize from our experience with home problems that we must again push further back to the social and economic injustices which make impossible the sense of security and the harmony upon which normal home life depends. Only when equal opportunities and adequate family income are assured can we feel that constructive results in solving family problems are being attained.

TREATING THE FAMILY AS A UNIT

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An intelligent discussion of this question, the treatment of the family as a unit, rather assumes that the family can be treated as a unit, and in fact that there is such a unit as the family to be treated. However, probationary treatment still tends to treat the individual delinquent as an individual rather than as an integral member of the family group, and current discussions of social changes incline to the conclusion that the family is in the process of disintegration. In view of these tendencies and conceptions perhaps it is not altogether out of place for me to linger briefly on these two points.

As to the first, we must recognize the fact that, whether in the juvenile court, the divorce court, or the adult criminal court,—in dealing with the family we are dealing with individuals. Just because a man marries a woman and has children by her, he does not lose his individuality, nor does she lose hers. Psychologically, the husband and the wife are still individuals. Nor because children are born usually in families, does this fact make the child any less an individual. Psychologically, the child is, or develops into, an individual. In either case, the factors we deal with are not abstractions; the family is not something different from and greater than the individuals composing it; after all, we deal with only very concrete factors, the definite individuals who happen to compose the family.

In view of this psychological fact of the persistent individuality of the individual, we may properly raise the question of whether we err in our theoretical approach when we stress the treatment of the family as such instead of limiting ourselves, as we often do in practice, to the treatment of the individual as such. I raise this question partly because in following the proceedings of the Association in the past and the present I have noted a steady trend toward a theoretical emphasis of the family as such. For instance, not a speaker to-day has departed from a discussion of the social treatment of the family as an integral group. Because of this it is important to consider the question of the

individuality of the delinquent, whether the individual can be treated otherwise than as an individual.

There are two factors which we as sociologists must recognize, despite some things said by our good friends the behaviorists, the inhibitionists, and others. These factors, it goes without saying, are heredity and environment. That no rehabilitatory or reconstructive treatment of the individual, whether child or adult, can be of permanent value which does not take into consideration the heredity and environment of the individual is a commonplace of social thought; but it carries an implication which we have been less quick to grasp.

When the individual delinquent comes to us in court, it is too late for us to do anything with his heredity. That heredity has been finally determined at the moment of conception. All we can do in regard to heredity is to see that before there is conception the right heredity is provided. So the only factor we may properly consider is the environment of the individual.

I believe you will agree that in the treatment of the individual delinquent we must take into consideration the immediate environment, in which, as the Apostle Paul did not say, he lives and moves and has his being. Remedial treatment of the individual is thus concerned with the environment, either negatively in removing the individual from a bad into a good environment or in reconstructing the environment in which he continues to live. Probably, in the case of individuals who are still in families, the family in many respects constitutes for him the most immediate and pressing element of his environment.

The contact which the court or the probation officer or even the school teacher has with an individual is not carried over for as long a period of time or as many hours a day or days in the week as the contact the individual has with the family in which he or she happens to be. So the environment that requires reconstructive treatment is largely the family, which is a dominant element in the individual's general environment. As a consequence, we find that treatment of the individual who belongs in a family succeeds measurably in proportion to the amount of remedial treatment of all members of this family group.

But practically considered, is there such a unit as the family to-day? Sociologists have agreed that historically the family, whether the narrow group of father, mother and child, or the wider group of kindred or clan, has been a dominant unit of

society; but, according to those who have spoken to-day, according to much social thinking of the day, and according to the pulpit and press, the family of the sociologist is literally a social "has been", is in fact at the vanishing point. Is this a fact?

A generation or more ago the family was a cohesive unit in certain very definite respects. The absence of labor-saving devices and conveniences such as frigidaires, coalless heaters, electrical appliances, automobiles, radios, etc., resulted in or disclosed the fact that each member of the family was an integral and necessary part of a definite social unit. It was necessary for every member of the family, if the family was to subsist, to share in the mutual labors of the home. The garden, the cow, the woodshed, the washtub, the bread trough, all were symbols of the labor which different members of the family had to perform in order that the family might function and which forced on them their mutual dependence.

To-day the almost universal use of labor-saving devices in the home has taken away from members of the family the interdependent and interdigitating tasks which were in part the cohesive element of the old-fashioned family. Father no longer chops wood to build the fire; the thermostat takes care of that. Son no longer has to milk the cow and till the garden; the milkman and the grocer supply the family directly. Daughter no longer fills the kerosene lamps and bakes the bread; the baker and the electric company have taken her place. Mother no longer bends over the washtub or makes the clothes; the electric washer and the department store relieve her of these. The family is largely free of this primitive element of cohesion.

To this we may add such other modern improvements as the ease of motor transportation, the good roads which make it possible to go long journeys in short time, the roadhouses with their eating, music and dancing, the motion picture houses and the like. All these make it possible for the young people as well as the older members of the family to go out more frequently, more readily, and get their enjoyment separately outside of the home and away from the family.

Consider further the apparent trend of the rural population to the city with the vast building of apartment houses instead of individual homes, resulting in increasing urban congestion, and one is not surprised at the pessimism expressed about the disintegration of the family. And again note that in this age of automatic machine production the more supple fingers of Seven-

teen can earn more in factory and shop than the less supple fingers of Forty-five. Naturally son and daughter rather look down on the Old Man as somewhat passé. The superiority of nimble fingers to nimble brains in operating automatic machinery has given youth not only larger earnings but larger freedom, has, in conjunction with ease of transportation and other factors, produced our good friends the flapper and the sheik, and appears to have relegated the family to the limbo of antiques.

It is no matter for wonder that all these things seem to indicate a definite disintegration of the family, emphasized as they are by the statistics cited by Judge Day of increasing number of divorcees. Yet I wonder if we are really looking at this matter from the right point of view when we lay stress on this apparent disintegration. As evidenced by the flapper and the sheik, the hip-flask and the joy-ride, it not only does not tell the whole story, but is probably symptomatic of a fundamental social reformation, or a new birth. Perhaps, the family has not disappeared, but is taking on a new form. Down through the ages the family has persisted with remarkable vitality. Is it not too soon to say that it has disappeared? May not this vital thing, the family, be merely adjusting itself to the changing environment which our modern civilization has given it, and that after this period of storm and stress show itself still the dominant unit of society?

There is some indication that this readjustment of the family to the changing environment is already taking place. I refer to that evangelist of the reintegration of the family who is unconscious of his evangelistic standing, but the consequences of whose activity mark him out to be a real social conservator, I mean that characteristic product of urban congestion—the real-estate subdivider. Our age has been described not inaptly as an age of cliff-dwellers and jazz-hounds; but the significant fact is not urban congestion as such, but the blossoming out of this congestion, thanks to the real estate subdivider and the ease of automotive transportation, into vast areas of small homes around our great industrial centers.

The flood of population toward the city, which is still in full tide, has rebounded from the apartment houses, flats and tenements, and is streaming back into the suburban country, where home ownership is dominant. The workingman's cottage is coming to the front and thousands of families are once again home-owning or home-buying, and each home has its little garden.

Not only this, but the struggle to maintain the home is beginning to draw together the disparate members of the family. Family life seems to be raising its head again. As yet, perhaps, this is only a tendency, a trend that indicates that the family refuses to be broken up, but at least it enables us to believe that the family still remains with us and still constitutes a not inconsiderable factor in the environment of the individual. It is easy to damn the present order as one in which the family is being dismembered; it is not so easy to withhold judgment and painstakingly inquire into the more subtle trends that indicate the long sweep of evolutionary change pointing toward a real social reformation. The family still persists; Mother's Day is gaining deeper significance; Children's Day is finding wider celebration than in our Sunday schools; and Father's Day is not only observed once a year, but also to-day as unremittingly as in the past on every first of the month when the bills come in!

So let us hearten ourselves with the fact that we still have the family to treat. It is true that we are only a small fraction of the forces which deal with the family, our approach of necessity being largely the court approach. Yet whether we act as probation officers and judges, or as agents of the other social organizations which are called upon, it becomes increasingly evident to us that remedial treatment of the individual who belongs to a family succeeds largely in proportion to the amount of remedial treatment accorded to all members of the family group. In reality, the treatment of the family becomes an essential condition of the successful treatment of the individual.

As probation officers and judges, we attack the family from three different angles. The juvenile court comes to the family necessarily through the child. At first the juvenile court attempted to deal with the child directly and seemed to forget to a certain extent the importance of the family. However, juvenile workers could not go very far before finding it necessary to take into consideration and endeavor to treat the family in order to change, improve and rehabilitate or reconstruct the delinquent children with which they were dealing. The child after all is only the fruit of the family out of which it comes. So to-day the juvenile court attempts to come at the family through the child and the child through the family.

An entirely different method of attack is made by the divorce court. The dissolution of the family has already taken place or has come so near to taking place that very little could be done

before it came into the divorce court. Of necessity the divorce court deals largely with the effects, the results of a situation in the family over which it has very little control. It cannot treat or supervise the family until it has acquired jurisdiction by the filing of the divorce bill, which is a palpable admission that the family has virtually ceased to function. Consequently our enlightened divorce courts emphasize the need of social treatment of the family before it comes to them, and our divorce judges advocate, sometimes very strenuously, the establishment of a family court which can deal with the family in the home long before the family lands in the divorce mill.

The adult criminal court, in its domestic relations branch, attacks the family from a still different angle, but under this limitation, that it is necessary for a crime to be committed before jurisdiction and supervision can be taken. Only when husband or wife commits a breach of the peace, or an assault on one or the other, or violates the marriage vow by bigamy or adultery, or neglects the children to a criminal degree, does the adult criminal court get jurisdiction. And when the court does acquire jurisdiction, it is limited technically to the delinquent member of the family.

Of course, probation in the adult criminal court, whether generally or specifically applied to domestic relations cases, is an attempt to deal directly with the family. Legally the court has no jurisdiction except over the delinquent husband or wife, and it has none over the children, but practically the probation department, if it desires to attain permanent remedial results, takes *de facto* jurisdiction of both the wife and children as well as the delinquent husband. This is inevitable because our social investigation shows that the delinquency of the husband which has led to drunkenness or brutality toward the wife or children is often due to delinquencies or inadequacies of other members of the family. Thus we have to consider the problems of all the individual members of the family and to outline treatment that takes the entire family into consideration as a social and environmental unit.

Before discussing the actual practice of probation, I wish to remind you of two rather important considerations. In the first place, probation is used sometimes rather as a solving word than an actual solution of problems. How often we think we have solved a problem when we succeed in getting a judge to place a man or woman or child on probation, as though probation had

any magical virtue in the name itself to work a miracle! Let us recognize that probation is not inevitably a solution, but a method, and only one method, moreover, among others of social treatment.

Again, let us frankly recognize that as probation officers we are rather propagandists than scientists in our attitude. Probation is still a new thing and we are inclined to put forward favorable facts and more or less suppress or ignore unfavorable ones. This is because we wish to convince the world that probation is the method for dealing with delinquency. Nevertheless, among ourselves at least, it is essential that we face facts with the ruthlessness of scientific inquiry. Do the facts show that probation is the correct and successful method of treating delinquency?

Our honored president of the Association, in his admirable paper this morning, referred to the 70 per cent success of probation. It is possible that the probation departments which have given these figures are like our own department in Detroit, perhaps too optimistic sometimes in estimating results. For instance, in checking over the 2,500 families that our domestic relations division has handled under probationary supervision in the last three years and ten months, I find that of the 2,000 cases now closed, we closed 60 per cent as improved. The term "improved" is inadequate but required by the State Welfare Commission to indicate any measure of successful readjustment. But in so listing 60 per cent as improved, the test was not whether a permanent social reconstruction had taken place, but rather whether the individual had derived any benefit during probation, or whether, if he had derived no benefit, he had at least not got into court again. A very low test of success, as you may well see; yet our figures might be used in propaganda to show the success of probation.

I speak of this not to discourage, but rather to encourage, a more scientific attitude in analyzing results. We do not as yet have any scientifically reliable statistics of probation achievements. For instance, some time ago, the judge who had placed a certain man on probation for breaking and entering, which is a rather serious felony in Michigan, was informed at the end of the probation period that the probationer had done remarkably well on probation. The fact of the matter was that while this man was on probation he had done one stretch of ninety days for simple larceny and at the time his probationary term ended was

doing another stretch for simple larceny; yet his probation officer did not know about either sentence! Of course, the probation officer made a grave slip in this case, which might not occur again; but at least this shows that statistics of probationary success are still inaccurate.

Perhaps, as yet, of necessity inaccurate because probation is only in its infancy, if it has even passed the foetal stage. The other day I wrote a letter to a judge closing a probation case with the statement that the probationer had shown a certain measure of improvement under supervision, and at the very time I wrote the letter that man was before another judge for the same kind of offense for which he had been put on probation! It is true that I knew of this second offense at the time, but it was inevitable that I should close his case "with improvement" because his actual term of probation had lapsed about two days before the commission of the second offense. Now that case, listed as improved or successful, does not indicate any fact of value for scientific statistics.

So I say, that while it is wise for us to be propagandists, it is essential that we reassess the actual results of probation. If our propaganda is not to prove a boomerang, we must be scientific. First, let us be cautious in collecting statistics, and secondly, let us be cautious in our evaluation of them. I am not saying these things by way of discouragement, but rather with a view to a becoming modesty in the claims which we may make in our enthusiasm for a new procedure.

I shall not linger long on the actual practice of probation in the treatment of the family as a unit. Briefly, I might say that our domestic relations division of the probation department of Detroit's criminal court does not regard itself so much a separate social agency, to duplicate the work of all other family agencies operating in our city, as a diagnostic social clinic. We seek to discover what is the matter with each family that comes to us from the court and then to determine what specific treatment is needed to eradicate the cause of the trouble. Our aim is the reconstruction of a socially inadequate or maladjusted family so that it may be socially adequate in its functioning. However, we do not pretend to do more than to find out with reasonable accuracy the elements of inadequacy and to direct the family to take such treatment as existing agencies are competent to give.

There is a measure of direct treatment which we give, in home visitation, employment finding, and supervision of proper recrea-

tional outlet; but fundamentally we direct our cases to other agencies for actual treatment. Where our diagnosis shows the presence of physical or mental illness, we use our medical and psychopathic clinics for the actual treatment, exerting our supervisory authority only to see that the treatments are taken. In cases of alcoholism we often require the probationer at least to take medical treatment through a period of months, using the House of Correction farm as a last resort. In one case of alcoholism we used the Salvation Army with marked success. So we use the school, juvenile court and child caring agencies for adequate treatment of the children in the family.

In the economics of the family, we have found it necessary often to supervise the family budget directly; but usually we incline to the use of the Visiting Housekeepers Association, the Welfare Department of the city, and the sociological department of our large industrial concerns for this purpose. I wish to say that we have almost universal coöperation from the various factories and industrial establishments. I have in mind one particular case where the sociological department of the Detroit Edison Company at our request took over the training of a man and his wife in the economic administration of their home, with signal success. Incidentally, in this case, their training solved the domestic problem almost completely.

In fine, our function as probation officers is measurably diagnostic, and then supervisory of the agencies to be used, rather than directly constructive. We find out what is the matter—let me add in parentheses, sometimes!—and then seek to utilize the existing agencies for remedial treatment. But we have not yet scratched the surface in proper utilization of social forces and agencies. Do not get the idea that probation is necessarily a separate and distinct social agency; it is rather a means by which we may correlate the activities and services of social agencies to solve a specific problem that comes before us.

As yet we are doing very little in the development of the recreational interests of the family, although lack of adequate recreation is the cause of some delinquency. Very little has been done to bring back the cohesive element that has in part gone out of the family; yet the encouragement and direction of joint family activities should be a fruitful field of reconstitutive activity. Very little has been done by us in fostering the educational interests of the various working members of the family, although the night school and trade schools offer attractive oppor-

tunities for widening the intellectual horizon of the family. We hesitate to use the churches and ecclesiastical agencies, partly through a mistaken condescension toward them as rather outworn institutions and partly because we do not realize how much reconstructive work they are doing. And how many of us have thought of the practical educative value of art in reinforcing our attempts at reconstructing the family?

A generation ago I was rather deeply interested in the boys of New York's famous Hell's Kitchen, that alma mater of notorious criminals. There was a midget Irish lad of nine, Mickey by name, an orphan who lived rather haphazardly where he could. He had one care in the world, a sister about six years old, whose main support he was. Mickey never smiled or laughed until one day when a good woman of New York took him to the flower show. Mickey stood for hours in a trance looking at the flowers, saying nothing but soaking in the beauty of the flowers until at last tears sprang from his eyes. With that something broke in Mickey, and from then on he laughed and played like other children. That little story illustrates in a way what art and beauty can do in the transformation of character. Perhaps, as probation officers, we too often forget the rehabilitative ministry of art and recreation in the work we are doing.

To a limited extent family rehabilitation has been accomplished even in the purely criminal court such as the Recorder's Court of Detroit, by the extension of probationary supervision beyond the technical legal limits. We have often taken virtual jurisdiction of all members of the family, although only one member, usually the father, may happen to be on probation. Our treatment has been directed more toward the reconstruction or readjustment of all members of the family to each other and to society, than toward the treatment of the one individual who happens to have been caught in the criminal net.

Until we see that the problem of the individual who happens to be a part of the family is linked with the larger problem of the family as a whole, our reconstructive efforts must prove rather disappointing. The courts, the clinics, the welfare and social agencies, the schools and churches, in dealing with the disintegrating family, are assisting at a new birth. Our task is the rehabilitation of the individual through, and as a result of, the rehabilitation and stabilization of the family.

FAMILY CONSERVATION AND THE DIVORCE COURT

HON. FRANK L. COVERT, *Judge, Circuit Court, Pontiac, Mich.*

Perhaps a brief statement as to the character of the circuit over which I preside may give a better understanding of some of our domestic problems. Oakland county, which comprises our circuit, is situated in the southeastern part of Michigan, adjacent to the city of Detroit. It formerly was a rich agricultural community in which there were located several small villages, and the city of Pontiac, a country town of ten or twelve thousand people. Within the last few years, because of the tremendous industrial development in this section of the country, the population has increased so that we now have 150,000 or 200,000 people, made up of a rather high grade of rural population and a much larger industrial group. There are within the confines of the circuit, four cities varying in size from 3,500 to 60,000 people and several large villages. The southerly boundary of our county is within two miles of the great Ford plant at Highland Park and the southeastern part is largely settled by people employed in the Ford and other automobile plants, the population in that section being largely a new one. These things are of some importance because they undoubtedly have a strong influence upon our domestic problems. I have emphasized our community life to show that our problems are both urban and rural, and similar to conditions met by judges of courts in both country and city districts, also that our methods of solution are applicable to both.

Probably the first thought that comes to a judge presiding over a court having jurisdiction of domestic problems is the grossly illogical importance attached to cases pertaining to the commercial side of life as compared to cases involving the welfare of human beings. This obtains in the great majority of courts. To illustrate what I mean: to-day in many of the courts of this country there will come up for hearing a divorce case which involves the future life of a man, woman and in many instances, that of one or more children. Usually these cases follow about the same line. There will be present in court the judge, lawyer, reporter, clerk, court officer, one of the parties to the action and one or two witnesses. I am assuming of course

that this is a non-contested case, as most of them are. The lawyer will put his client on the stand, and under his skillful guidance, she will tell, because usually the client is a woman, her story. He will then call one or more witnesses who will corroborate her statements. The whole proceeding will not last over 15 to 20 minutes and in the great majority of cases, when the hearing is finished, the court will know nothing about the merits of the case. I say this advisedly. The judge will then grant a divorce to separate this man and this woman for the rest of their lives. He will award to one of the parties, usually the mother, the custody of the children and place upon her shoulders the burden of their care, education, and moral and spiritual training. He will probably make an order that the father shall pay for the support of these children a certain sum each week. The whole matter, as I have said has not taken over 15 or 20 minutes and during that time the court has made a decree upon a more or less, usually less, casual knowledge of the real facts and circumstances surrounding the case which will determine the domestic lives of a man and woman and have a tremendous influence upon the future welfare of their children.

Immediately after this case is heard, another case comes up involving not human lives, but a couple of thousand dollars or so. In the hearing of this case there will be the same judge, clerk, reporter and court officers, usually a jury of 12 persons and two or more lawyers, who will devote from one to three or four days to the trial of this case. When it is finished the judge and the jury will have disposed of a matter involving a couple of thousand dollars more or less. It seems to me that this difference of treatment, though not unusual, is entirely illogical and not based on reason and common sense. The welfare of human beings ought to and is of much greater importance than any commercial matter or monetary question. The verdict in the civil case merely means that somebody gets one or two thousand dollars and someone else gives it up. It does not materially, except in a few exceptional cases, prove of very great importance to the parties or the interests involved.

These statements are not exaggerated, but are true, and the lawyers and judges present will agree with me that this method of procedure is general throughout the country. It is one of the greatest and most important problems with which we have to contend. It is a matter of education to which I believe we as judges and lawyers ought to devote some of our attention. We

ought to make the public understand that human lives are of much more vital importance than any matter involving merely dollars and cents. Of all cases heard by a court, there are none in which the judge should be so fully advised, not only as to the technical matters pertaining to the case, but on the real vital interests of the parties. When the divorce is finally determined, the judge will then be in a position not only to do what should be done for the welfare of the children and others concerned whose lives are to go on and whose influence upon the community to continue indefinitely, but also to see to it that the man and woman, the parents of the children, shall not be permitted to escape in any way their responsibilities as parents.

Now, the question is, what are we going to do about it? How can the court salvage this human wreckage? I can best answer that question by telling you what we have attempted to do in the circuit over which I preside.

The Michigan legislature a number of years ago passed an act requiring that in all cases of divorce in which there were children under 16 years of age, it should be the duty of the prosecuting attorney to appear on behalf of the children and make such investigation as he deemed necessary and, in general terms, look out for their welfare and see that provision was made for their support, care and education. For this he was to receive compensation in the sum of \$5. This law of course was a nullity. I speak with authority, because I filled the office of prosecuting attorney while this law was in effect. It merely meant that the prosecutor was called in on the day of the hearing, filed a formal appearance and sat in court, asked one or two casual questions and received the \$5 compensation, and that was all.

Later on, about 1919, the legislature, realizing the need of some more efficient method of looking after the interests of children in cases of this kind, passed a law which provided that the prosecuting attorney, upon the recommendation of the circuit judge or judges should appoint some person to be known as "Friend of the Court", whose duty it should be to see that the alimony provided in a decree for the support of children should be collected and applied for their benefit, and who also should have certain powers to bring delinquent fathers into court by citation for enforcement of the collection of alimony. Later this law was amended and its terms and provisions expanded so as to

provide for the supervision of children in divorce cases, which I will discuss later.

When I began my duties as judge in my circuit, eight years ago, nothing had been done to provide for a Friend of the Court. The prosecuting attorney still intervened in divorce cases, as I have mentioned, with no particular benefit to anyone except the prosecutor, who received the \$5. Orders for alimony were made and that was the end of the matter unless the woman was able to employ a lawyer to collect it by a tedious and complicated process. In 1921, through the kindly offices of the Red Cross, there was delegated to our court a welfare worker of experience, whose services were furnished the county gratis for one year. To supplement the law and provide for reasonable and proper investigation of cases before hearing, we adopted a court rule that in all cases of divorce where there were minor children, it should be the duty of the attorney upon filing the bill of complaint to pay to the clerk of the court the sum of \$5, also to serve on the Friend of the Court a statement setting up the names and ages of the children and certain other information. It there-upon became the duty of the Friend of the Court to make an investigation, not only as to the welfare of the children involved but of the real merits of the case.

The investigation as carried out consists of interviewing both parties to the action, the witnesses, relatives and neighbors; looking up the property interests of the parties, their health records, work records, religious affiliations and environment, their family history as far as possible, their social status in the community in which they reside, home conditions where the children are living, the moral and intellectual status of the parties, and such other matters as will aid the court to make an intelligent decision on the case and especially on the question of the custody of the children and what the father is in a position to pay for their maintenance and education. This rule has proven wonderfully effective, so that now when a case comes up for hearing, the judge has before him a detailed statement made by an impartial investigator of all the facts and circumstances surrounding it and pertaining to the welfare of the children. If the case is a legitimate one and warrants the granting of a decree, that is done. It has also been the practice of this court to hold many informal hearings in chambers to which are invited the parties to the action, the Friend of the Court and the lawyers, where the matter is discussed, not formally but very informally for the

sole purpose of getting at the real merits of the controversy and the best solution of the problem in the interests of the parents and children. Such informal hearings have proven of very great value, and I believe if more of them were held and more formalities done away with, and if an attempt were always made to get at the real facts of the difficulty, much good would be accomplished.

After the decree is granted, a record of its provisions is filed in the office of the Friend of the Court. If the alimony is not paid within a reasonable length of time the delinquent husband receives notice that a certain amount provided by decree of the court for the support of his children has not been paid. Usually this is sufficient. If not, an order is issued by the court requiring the man to come in and show cause why he should not be punished for contempt; or, in some instances an attachment is issued forthwith for his arrest. He is then brought into court and a hearing had upon the petition or writ, whereupon, if he shows a disposition to comply with the decree, another opportunity is given him to do so. If, however, he neither obeys the terms of the decree nor shows an inclination to do so, he is usually committed to the county jail for such time as the court deems advisable, or until the amount of alimony due is paid. This however, did not solve the problem, so we persuaded our Board of Supervisors to pass a resolution providing that a man thus committed to jail shall be employed in the making of cement blocks, or at other work, and that from his earnings there shall be paid on his alimony order such sums as to the court seem necessary for the children's support.

The results of this action have been very satisfactory. The year before the Friend of the Court's office was established, there was paid into the office of the clerk of the court, for the support of children, the sum of \$12,000. The next year the sum was \$24,000, and this amount has steadily increased until last year, five years after the Friend of the Court first took office, \$85,000 was collected. This year the amount will run to over \$100,000, every penny of which goes directly to the support of the children, there being no deduction for lawyer's fees or expenses of any kind whatsoever. The success of the efforts of the Friend of the Court in collecting alimony so appealed to the supervisors of our county that no difficulty was experienced, after the first year, in securing reasonable appropriations to carry on the work.

We have found from statistics on the Juvenile Court in our

county and from other sources that from 60 to 70 per cent of juvenile delinquents come from broken families, and we have also found in the Circuit Court that many of the younger criminals have been reared under like conditions.

Our investigations over a period of years disclose that there are three predominating features in all divorce cases, *i.e.*, poverty, ignorance or, rather, meagre education and want of spiritual and moral training. These facts are so pronounced as to challenge our attention. We have also discovered that there is something in domestic difficulties that seems to run through families, not hereditary, of course, but having an effect about the same. In other words, we have frequently found that children of divorced parents find their way into the divorce court. We have also found that in communities of a certain type divorce seems to run through like some epidemic disease. It occurred to us that if something might be done to correct these deficiencies, it might result in lessening the divorce evil and the resulting delinquencies and crime. We find that this end could be best attained by giving proper attention to the upbringing of children of divorced parents.

As I mentioned before, there is another provision in the law concerning the Friend of the Court which up to 1925 had not been put into practice, that is, for the care and supervision of children. In 1925, because of an increased appropriation by the Board of Supervisors we were enabled to engage another worker, whose duty was to be the supervision of children in divorce cases which, to my mind, is the most important branch of the work. We were extremely fortunate in securing the services of a young woman, who has a natural ability and genius for welfare work. Her attention has been directed largely to the matters I have just mentioned. Her method of procedure is something as follows: She makes personal visits to all the children in the county, observes the home as to whether or not it is properly kept by the mother or custodian and whether the children are comfortably clothed and cared for; visits their schools, cooperates with teachers in aiding the children to make the most of their advantages. If she finds the children are not in good health but need surgical or medical attention she secures it by sending them to hospitals, and cooperating with visiting nurses and health departments in every way. We have the advantage of hospitals in Pontiac, Detroit and at the University of Michigan. The Kiwanis luncheon club assists our worker by sending boys to scout camps,

and at Christmas time the bachelors of the city are called upon to furnish a real Christmas to children who otherwise would go without. Every available agency is used to aid in the care and supervision of these children. An effort is made to have the boys and girls join the Scouts, Camp Fire Girls, the Y. M. C. A., and like organizations, as also churches and Sunday schools. In short an attempt is made to bring them in close contact with every organization which will tend to influence their moral and spiritual development. It has become necessary to add to our force another worker who is on part time and assists in the supervision of the children. The last report showed that these workers have under their supervision more than 1,000 children under the age of 16 years. It is not our purpose to usurp the authority or responsibility of the parents but to supplement their efforts.

By compelling the father to provide for the support of his children, we are able, to some extent, to remove from them the sting of poverty. By making it possible and seeing to it that the children are kept in school, we are providing them with a reasonable amount of education so they will not suffer the disadvantages of weak and untrained minds. We are supplementing this by ensuring to them sound bodies and good health, and are giving them moral and spiritual training, so that they will have a better conception of the responsibilities of life and be able to distinguish more clearly between right and wrong. The work of the Friend of the Court is linked up through and strengthened by the County Welfare Board. In 1922 the Board of Supervisors adopted an ordinance creating a "County Welfare Board", under which are grouped all the county agencies engaged in welfare work, either by virtue of the statutes of Michigan or voluntarily, which is paid for in part by taxation. Included are the Friend of the Court, the Juvenile and Circuit Court probation officers, the Girls' Protective League, the Michigan Children's Aid Society, and the Confidential Exchange. The board is composed of the senior circuit judge, the judge of probate, the chairman of the Board of County Auditors, the chairman of the County Poor Commission, the chairman of the Board of Supervisors, three other supervisors, and three citizens interested in welfare work, who are selected by the Board of Supervisors. The board holds a meeting once a month to which the workers are invited, and reports are made by them. A general discussion of problems follows. This organization has proven of very great

value to the community, first, by preventing overlapping and duplication of work, and secondly, by being a clearing house of the activities of the organizations embraced by it. It has also proven of great value in bringing into direct contact with welfare problems, members of the Board of Supervisors and citizens who after such contact have been earnest advocates of social work. Because of this fact no difficulty has been experienced in the last three or four years in securing appropriations. The amount expended in our county last year was \$23,000, which paid the salaries and expenses of the workers connected with the board.

From these meetings valuable suggestions have developed in amendments to the law, correcting deficiencies therein, and succeeded eventually by bills introduced into the legislature and passed. All of the effort and work of this board has a direct bearing upon the conservation of the family, both in divorce courts and elsewhere, and is of sufficient importance to return a large interest upon the cost in money, time and effort. I think one of the results of the work in our circuit has been to elevate litigation pertaining to domestic relations, take it out of the slough of sordidness which usually surrounds matters of this kind, and bring it up to a grade of importance commensurate with the vital interests involved. It is our hope to bring about such a conception of the importance of matters pertaining to the welfare of children that judges and lawyers, instead of disposing of these cases hurriedly, without sufficient investigation and many times without any proper conception of the interests involved, will make them occupy a foremost place in court procedure and give to them the very best thought and consideration of which they are capable. Thus we may educate the public to understand that divorce cases are serious matters, not to be lightly undertaken, and that rather than being the first resort of dissatisfied husbands and wives, they should be the last; finally that families should not be broken and children deprived of their rightful guardians because of the misconception parents have of the duty they owe their children, each other, and the public.

WHAT THE CRIMINAL JUSTICE SURVEYS SHOW *

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The people of the United States are quite conscious that they possess a crime problem, perhaps over-conscious. At any rate, they are characteristically attacking the problem. National Crime Commission, state crime commissions, associations for criminal justice, bureaus of research, foundations and other groups are making surveys more or less superficial or profound, more or less comprehensive. And we are still somewhat bewildered by the enormous quantities of advice and data we are getting.

It is said that we have a crime wave. One of the things that the crime surveys do not show is that there is a crime wave; but, on the other hand, they do not prove that there is not a crime wave. They neither prove nor disprove it. Incidentally, one thing the surveys do show is the inadequacy of American criminal statistics. In no state as yet are the statistics such as to answer the first obvious question, What is the quantity of crime? Undoubtedly one of the beneficial results of the present researches will be the establishment of better systems of criminal statistics.

In this surveying and agitational activity there lurk, however, certain popular fallacies or assumptions which contain some dangers. One of these is that the problem is wholly or mainly one of law enforcement or the administration of criminal justice; that it is law enforcement which is the main preventive of crime, and that if we but perfect our machinery of criminal justice, we will have solved all our crime problems. This assumption is, of course, an utter fallacy. Law enforcement or criminal justice is but one factor in crime production or prevention, and not the major factor. All students of society know how numerous and how intertwined with all our social and political processes are the crime producing factors. In fact, the law can be enforced only when the acts against which it is directed are abnormal and exceptional, and if the volume of crime be so great as to make crime a normal and frequent rather than an

* Address at the General Session of the National Conference of Social Work, May 16, 1927; reprinted by permission.

abnormal and exceptional fact, then law enforcement, as such, is inevitably inadequate to cope with but a small part of the situation.

Indeed, the very inefficiencies or inadequacies of law enforcement are but one symptom or result of the very social or political factors of which law violation is another symptom or result. The institutions which exist for dealing with crime are institutions created by, administered by, promoted or hampered by the very same social mores and viewpoints, social strengths and weaknesses that enter into or cause the crime-producing factors. No social institution can escape from the community which gives it birth, nurtures it, promotes or retards its operation.

There are other current fallacies which tend to increase the difficulties of dealing with the problem in a thoroughgoing manner. One of these is that severity of punishment in and of itself is the most effective preventive of crime. No data produced by any survey supports any such conclusion. Whenever a law increasing punishment is passed, somebody boasts about the reduction in crime the following week. Of course, such boasts are laughable. The crime producing factors are the products of years and decades and generations; the cures inevitably require long periods of time to be effective. At any rate, no available data prove that severity of punishment in and of itself is seriously to be relied upon as the main preventive of crime. All human experience is to the contrary. We know that the social organism inevitably produces protective devices against mere severity of punishment. For instance, we know that our whole system of criminal procedure with its numerous technical defenses for the accused was developed as a protective device against the system of excessive punishment which prevailed in sixteenth and seventeenth century England. We have had a recent example in New York where a law was passed prescribing life imprisonment for a fourth offense, no matter how petty the fourth offense happened to be, and where a jury refused to find that the accused had committed three previous offenses though the proof was utterly overwhelming.

Furthermore, the study of individual criminal careers tends to show the decreasing influence of fear of punishment as the criminal career advances from the smaller offenses to the greater. In the case of those who for whatever reason have developed into habitual criminals, fear of severity of punishment practically loses its deterring influence.

At the meeting of the governing board of a Bureau of Municipal Research in an Ohio city recently, the proposal to institute a criminal justice survey was brought forward. One member desired to know why the trouble and expense should be necessary, saying, he knows how to prevent crime, and that all that needs to be done is to make the punishment severe and impose it and carry it out. But the matter is not so simple. Even if it would suffice to stop or materially reduce crime, severity of punishment is not obtainable by the simple process of demanding it and writing it into statutes. England is constantly cited as the land which illustrates how severe sentences reduce crime. The citation is erroneous, for the penalties provided by law for crimes are less severe, on the whole, than those specified in American statutes. But those who shout for more heavy imprisonments or English criminal justice fail to realize that the English methods and results are the resultants of the whole complex of English social and political traditions and processes, and one cannot pick out a small item of English practice, such as the statutory penalty for an offense, and get the same result. The administration of criminal justice in England is the resultant of many traditions and institutions, such as a small compact bar with century old traditions, a small appointed bench with enormous social prestige, and all the other English social and political traditions and habits and processes that go to make the English administration of justice what it is. We cannot treat one single social institution, such as the scale of punishment, as though it were located in a vacuum, and still get the desired result.

Though statistics perhaps have not yet proven the case, there is more to be said in favor of the idea that speed and certainty of result in criminal trials does play an influential part as a deterrent of crime. Especially in the case of early or first offenses is speed and accuracy of result likely to convey a lesson which may be heeded and divert the career of the accused into lawful ways.

The Missouri survey, like the reports of various bar associations, devotes much attention to reform of the procedure in the trial of criminal cases. There can be no doubt of the need of such reform and that many of these recommendations would effect results of some value. There is, however, some danger of an excessive reliance upon this type of procedural reform, based upon another popular fallacy, namely that jury trials constitute, if not the main, at any rate a major instrumentality for unwar-

ranted escapes from punishment. The crime survey statistics do not bear out any such assumption. They show that of the many prosecutions for crime, a relatively small percentage ever reach jury trial, and of the many ways in which the accused escapes punishment, acquittal by jury represents a very minor portion. For instance, the Cleveland survey shows that of a year's prosecutions for felonies, 4,262 in number, only 595 or fourteen (14%) per cent reached trial by jury, and that the jury convicted in 367 or sixty-two (62%) per cent of the cases tried. The other modes of discharge or escape from conviction or sentence, nolle, no-billing of cases by the grand jury, and the other modes by which prosecutions failed, represented 2,217 of the final dispositions of the year's felony cases as compared with 228 acquittals by jury,—almost ten times as many.

The Missouri survey showed similar conditions. In the state of Missouri of the total prosecutions for felonies, only twelve (12%) per cent reached jury trial. Sixty-two (62%) per cent of those tried by jury were found guilty. Fifty-seven (57%) per cent of the cases resulted in discharge or release through modes of disposition other than trial by jury, as compared with five (5%) per cent which obtained discharge or release through acquittal by jury; or, to put it in another way, fifty (50%) per cent of the accused escaped conviction or punishment through nolle, no-bills and the like as compared with less than five (5%) per cent through acquittals by jury. The Missouri survey's separate statistics for the city of St. Louis tell the same story, showing thirteen (13%) per cent of the cases reached the jury stage and the juries convicted in fifty-eight (58%) per cent of the cases before them: or, taking the three urban counties surveyed, viz., the counties containing St. Louis, Kansas City and St. Joseph, of the cases which did not result in conviction sixty-three (63%) per cent were disposed of without trial as compared with less than four (4%) per cent by acquittals.

There are very few statistics as to the comparative percentage of acquittals by juries as compared with acquittals by judges trying cases without a jury, for the reason that trial by court without jury has been, outside of Maryland, a very exceptional mode of trial in the United States. What slight statistics there are, as in Connecticut, tend to show that court trial without jury results in at least as great a percentage of acquittals as trial by jury. In the four years, 1874 to 1878, when Connecticut had a system which permitted trial without jury, the comparative

statistics showed seventy-six (76%) per cent convictions in the jury trials and seventy-four (74%) per cent in the judge trials. In Maryland, where the accused may choose, something like ninety (90%) per cent choose to be tried by a judge without a jury.

We may conclude that, while the improvement of trial procedure is important and well worth while, it will not reach into the major fields of the problem.

While we should warn ourselves against an exclusive or excessive reliance upon criminal law enforcement as a preventive of those types of conduct which society wants to prevent, still the methods and efficiency of law enforcement by public agencies do and will always play an important part both in the treatment of anti-social conduct, and in the creation or destruction of public confidence in our legal system and its influence upon standards of conduct. An examination of what the more important criminal justice surveys, such as the Cleveland Foundation survey, the Missouri survey and others, disclose regarding the workings of the administration of criminal justice, is therefore well worthy of extended attention and interpretation. The subject is so vast, involving as it does everything from detection and policing to prison administration, probation, parole and relief, that time permits of only a hurried reference to a few of the major lessons of these surveys.

Both the Cleveland and Missouri surveys contain so-called "mortality tables" giving the statistics of what happened to felony cases. These statistics require interpretation and indeed are not capable of exact interpretation in that they do not furnish an unquestionable basis for conclusions as to the location of the weaknesses in the administration of criminal justice. They do, however, warrant the conclusion that the system is not an efficient one and they justify a search into the causes thereof. To give just a few of the figures:

In Cleveland, of all the cases which had gone through the processes of arrest, institution of a prosecution, and the court of preliminary examination, 21.54 per cent were no-billed by the grand jury, 12.92 per cent were nolle, and 3.34 per cent otherwise disposed of without trial or plea of guilty; in other words, 37.80 per cent of the cases which survived preliminary examination were thereafter in one way or another dropped without trial. Of the total prosecutions, 38.06 per cent resulted in convictions of the offense originally charged or of a lesser offense.

In the State of Missouri, 26.08 per cent of the prosecutions failed to survive the preliminary examination stage and 38.11 per cent resulted in convictions of either the original charge or a lesser offense. In St. Louis, out of 1,000 cases which had gone through all stages up to and including the court of preliminary examination, over 22 per cent thereafter failed to reach the stage of trial or plea of guilt.

We might summarize by saying that the machinery for the administration of criminal justice suffers from three great internal divisions. One of these is the separation and lack of co-ordination between the various parts of the administration itself, such as police, prosecutor, courts, probation officers and so on. Another of these is the geographical divisions, cities, counties, regions and states. The third is the division between what might be called philosophies—the philosophy of punishment of the offense and the philosophy of treatment of the offender. A few minutes will be devoted to each of these.

The normal course of a prosecution for felony as described in the Cleveland survey may be described as follows: The police department has charge of the detection of the offender and the discovery of the witnesses. In short, it has charge of the proof at a time when the proof is most fresh and most apt to be wholly and truly ascertainable. The police department has no official and systematic co-ordination with the prosecutor's office, though that prosecutor will be the trial attorney. Excepting in the sensational crimes, the prosecuting attorney, who will ultimately have to present the proof, does not hear of the case until weeks or months later. He has no opportunity to direct the gathering of the proof. The next stage is the police court or examining magistrate stage. It may be in charge of a municipal prosecuting attorney, whose work is utterly unco-ordinated with the county prosecutor, who will ultimately try the case. There may not even be a municipal prosecuting attorney. The case is put through the hurly-burly of the police court without any transcript of what the witnesses say. The police judge or magistrate is a separate independent court without any responsibility except to pass the case along if enough evidence is produced to justify keeping it alive. It is then passed along in this state without any thoroughgoing preparation of the evidence, without any record of the evidence, except a few skimpy notes, and without having received any thoroughgoing analysis or examination by anybody. In this state it reaches the office of the prosecuting

attorney for presentation to the grand jury. These cases are shoveled before the grand jury without much examination into the facts or preparation of the proof, and with little or no transcript made of what takes place in the grand jury room. A good percentage of the cases die at this stage, nobody knowing enough of the facts to warrant keeping the case alive or there not being sufficient facts to justify keeping it alive. So, though it has gone through this additional stage of grand jury, if it comes through that alive, it may be weakened rather than strengthened so far as systematic proof is concerned. In this shape after another interval of weeks, perhaps months, it reaches the trial stage. In many cities the trial prosecuting attorney does not begin to look into the case until a few moments before actual trial. He relies upon the skimpy notes which were scratched upon the papers at some earlier stage, or perhaps the inadequacy of the proof has come to his attention so that he decides to nolle the case and drop it.

The machinery is disjointed, uncoördinated. There is no official who has the function of executive direction or control and who can act as the coördinator of these various parts of the apparatus which, when functioning separately, make of the proceedings a series of unprepared steps. England has such a coördinating official in the person of the Public Prosecutor, who is a national official. We have such an official in our federal administration in the person of the Attorney General.

This disjointed, uncoördinated piece of machinery is manned by underpaid men of an inadequate number, inadequately trained, and upon this machinery, thus manned, the modern urban life is throwing an intolerable load of work. The important work of the prosecuting attorney is entrusted to men whose compensation equals that of the mediocrities rather than that of the successes of their profession. Their offices are equipped more like those of a country law office of pioneer leisurely days than like a successful law office in a modern busy city.

Coming then to the second general classification of weakness due to internal division, namely the geographical or jurisdictional divisions within the administration, police departments are usually municipal departments responsible to municipal officials. Police courts and other courts of preliminary examination are usually municipal courts. Prosecuting attorneys are usually county officials. Under contemporary urban conditions produced by contemporary forces, including the automobile, the

boundary lines of any single municipality are arbitrary in the sense that they do not correspond to the actual population unit, the actual business unit, the actual social unit, and, more important in connection with our subject, the actual crime unit. The community which is producing the crime and in which the crimes are committed and hidden and escapes made, does not correspond to the political boundary lines of either the single municipality or often of even a single county.

This phase of the problem is quite analogous to the other problems of urban governmental organization. The city tends to become a more and more arbitrary unit. Cleveland, for instance, is really thirty separate municipalities, one of which, the largest, has the name of Cleveland, but the other twenty-nine of which are really the same social community. In this one social community there are thirty police departments, thirty municipal or examining courts, and their work is uncoordinated except by casual unsystematic coöperative action. Such a scheme is obviously inefficient in dealing with organized crime, which is not organized along city or county lines. It indicates the need of developing machinery for dealing with crime along regional and, to some extent, state lines. The trend is shown in the development of such institutions as state bureaus of criminal investigation and identification. The geographical division of the administration of criminal justice, like the internal organization division, shows the need of developing some centralized direction or supervision in the administration of criminal justice.

The third division, which has been called a division in philosophies, is a more subtle one and a more elusive one, but equally important if not more so. The statutory definitions of crime, the statutory prescriptions of punishment, the statutory statements of the jurisdictions and functions of courts and prosecutors are based upon the theory that the process and the goal are the discovery of the specific offense as defined in the criminal law, the identification of the offender, the ascertainment by trial of the commission of the offense as defined in the law, and the application of a schedule of punishment expressed in terms of years of imprisonment.

Gradually, however, there has seeped into our consciousness, including the consciousness of our judges and prosecutors, an entirely different theory as to what we are aiming at or what we should aim at, the theory which is sometimes called "the individualization of punishment", the basic thought of which is

that the particular offense is not the ultimate fact to be ascertained and the application thereto of a schedule of imprisonment is not the ultimate goal, but that the offense may be a symptom which justifies an investigation into what sort of person the offender is, and that the ultimate process and goal is the ascertainment of what sort of an individual the offender is and the application of treatment appropriate to that sort of individual, the treatment being specified not in a statutory schedule of punishment but in certain new sciences called psychology or psychiatry or other words of similar import. The trouble comes from the fact that these new ideas or points of view have not yet been given a definite place in either our theory or our practice. No contemporary judge or prosecutor can, however, escape from some groping at least after these new theories and their applications, and a confusion results, particularly a confusion in the minds of the public.

A prosecuting attorney is trained to be a lawyer; he is not given any special training in these mental sciences. Similarly, the judge. The law contains very few specific definitions of the place which these mental sciences are to play. The prosecutor and judge continue to speak in terms of the law, of crimes and schedules of punishment. If the state has been so progressive as to create a probation system, there usually has not developed any very specific integration between the work of the probation department and the court. The public is quite naturally suspicious when they hear of crimes defined in traditional law terms of larceny, burglary, robbery, murder; know that trials resulted in convictions for these crimes and then hear that the prisoner was put on probation or paroled. Naturally, in the absence of anything resembling a definite system and definite statement of the basis of such action, the public suspects that these are pleasant and fancy names for sentimentality or political pull. The lack of public confidence in the administration of criminal justice is a weakening factor.

It is interesting and significant to note that this same confusion between these two theories of the treatment of antisocial conduct or at least this same lack of coördination between them is reflected in these surveys themselves. For instance, take the Missouri survey. The chapters dealing with prosecutions and courts and court procedure are not only entirely separate from the chapters dealing with the mental or medical phases or probation or parole (which separation is quite natural as a

matter of organization of the work and set-up of the work), but neither in their statements of the problem, their analyses of the situation nor their recommendations, did the authors of the chapters on prosecution and courts seem to be conscious of or apply or use the striking facts developed in the chapters on medical relations, probation and parole. For instance, these latter chapters disclose that two out of every three inmates of St. Louis correctional institutions were recidivists and that one-half of the persons going through the police courts of that city were repeaters and that recidivism had increased in that city 100 per cent in twenty years. The bearing of such facts on prosecuting procedure or trial procedure or court procedure hardly received notice and certainly received no definite statement or analysis in the elaborate chapters devoted to these procedures. The able chapter of the Missouri survey on the mental science phases of the situation points out that in the penal institutions of that state from 16 to 42 per cent of the inmates were definitely feeble-minded and that 37 per cent in the St. Louis institutions were definitely psychopathic. The bearing of such facts as these upon the problems and procedures of the police, the prosecution and the courts were not analyzed in the reports on those subjects. The Missouri report contains accounts of some interesting and significant illustrative cases. For instance, the case of a man forty-two years of age who had been arrested seventy-five times, had served four terms in the penitentiary, one for larceny, two for burglary and one for manslaughter, and who at the time of the report was serving a four months' term for vagrancy. The medical committee found him to be psychopathic. The bearing of such cases on the problem of prosecution or judicial procedure or the substantive law of crimes received no substantial recognition. Thus even the surveys reflect the present uncoordinated administration of two different philosophies. The medical committee's report emphasized that the problem was mainly one of juvenile delinquency. Yet the analyses of and recommendation concerning the administration of the legal machinery dealt almost entirely with adult delinquency.

The Missouri survey contains an exceedingly able chapter on parole. This disclosed that the state's penal institutions had developed a most mechanical system of parole; that after the inmate had served a designated time, representing an arbitrary percentage of his original sentence, he was entitled automatically

to parole unless his conduct had been such as to cause demerits, and the demerits were arithmetical and based solely on conduct in the institution. In other words, the conception of parole was exclusively that of execution of the original sentence imposed by the court, mitigated by good conduct in the institution. There entered into it no individualization based on analysis of the mental and moral qualities of the individual offender. The report showed also a constantly increasing reference of parole applications to the prosecuting attorney. As the report well points out, these practices indicate an inadequate recognition of the part which parole can and should play in the individualization of treatment of the offender. The medical committee recommended that there be a state department of mental hygiene and suggested that as soon as the prosecution is commenced there be an examination of the accused, and that the results of the examination, reporting the facts concerning the mental and moral characteristics of the accused, be transmitted, before the trial, to the judge and to the prosecutor. This recommendation does represent a recognition of the need for an integration between what in this address has been called the two philosophies. But what is the prosecutor to do with this information when he gets it? He is required by statute to enforce the law. And the law consists of a series of definitions of crimes and a schedule of punishment. What is the prosecutor to do with the information that the accused has such and such a psychopathic personality or that he has such and such a mental age? In the present state of law are not these facts rather confusing to the prosecutor? The medical committee's recommendation that he be informed of them may represent a good step on the way toward clarity; but, at the present stage of our criminal law, it represents a confusion of rather than a definite system of coördination between the older and newer conception of criminal justice and procedure.

The great problem of the future is that of fitting the applications of these newer mental sciences into the machinery and procedure of the administration of criminal justice, giving to the law and lawyers their definite parts appropriate to their training and to the practitioners of the social and mental sciences their definite parts appropriate to their training, with due coördination between these parts. Despite what may seem to be to-day a reaction towards emphasis upon the punishment and retributive philosophy, actual progress is going on in the

other direction, namely, the direction of increasing emphasis upon the individualization of treatment and the application of modern knowledge in fields of mental and social sciences. The social workers and the social sciences are apt to have perhaps a somewhat snobbish attitude toward the lawyers, but probably the lawyers are becoming educated towards turning over the problem of the treatment of the convicted offender to the social worker and the social scientists just as quickly, if not more quickly, than the latter are becoming qualified for the responsibility. There is in the domain of social work and mental hygiene and psychiatry quite as much superficiality of thinking and lack of coördination in administration, as in the field of law and lawyers. If there be any loss of public confidence in probation and parole, some of it may be due to the deficiencies in the capacity of those who administer probation and parole. The crime surveys disclose nothing to show that it is all the fault of the lawyers and the politicians.

We must all guard ourselves against hasty conclusions. Statements as to the causes of crime, the extent of so-called crime waves, defects in the administration of justice, should come at the conclusion of thoroughgoing study and not at the beginning. The volume of crime and the adequacies and inadequacies of society's dealing with crime are all intertwined with and but a part of our whole social and political processes. The surveys that have taken place have been useful and well done within the scope assigned. There still remains much to be surveyed, studied deeply, thought out anxiously and searchingly, before we can reach the stage of conclusions. One of the most hopeful signs of our times is that leading law schools, such as Harvard Law School, have realized that research into the problems of administration of criminal justice, research into the scope of possibilities of dealing with evils by legislation, research into social and political organization, are essential under contemporary conditions to anything like an intelligent solution of the problems produced by these contemporary conditions.

WHAT SCIENCE HAS TAUGHT US REGARDING THE CRIMINAL *

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Suppose some morning, just as you were about to put your daily paper aside, after having glanced through the latest stock quotations, run your eye over yesterday's baseball scores, and chuckled over the latest antics of Mutt and Jeff, Andy Gump, Barney Google and the other characters on the funny page, you noticed a column headline to the effect that the people of one of your town blocks had built a high impenetrable fence around their settlement and had hung out the following shingles—"We have gone back to the primitive"—"We are sick and tired of civilization"—"The simple life for us"—"Salesmen keep out, we want none of your modern inventions or conveniences"—"Post no bills"—"Ministers, physicians, teachers, lawyers and police keep out or we kill on sight"—"Don't bother us and we won't bother you"—"Private property, no trespassing"—"Keep away, don't be curious"—"To-day's date inside is 1,000 B.C."

Suppose you hurried to this locality, and unseen found a very desirable knot-hole through which you could survey everything inside the enclosure. And suppose you discovered that these people had rejected all modern science and invention, had destroyed all their social heritage, all education, all modern custom and etiquette, that they had no automobiles, no radio, no telephones, no Chamber of Commerce or modern trade, no written language, no drug store, no grocery, no cigar shop, no pool room, no soft-drink parlor, no dance hall, no school, no music, no gas, no electricity, no waffle irons, no fountain pens, no cafeterias, no subways, no Luna Park, no silk stockings, no books, no magazines, no newspapers, no detectives, no prohibition, no politicians, no dentists, no baseball park and no football

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stadium; in brief, suppose you found that here were some hundred people who had given up or destroyed modern civilization as far as they were concerned and had returned to the life of 1000 B.C. and to all the conditions characteristic of that period. What would be your thoughts as you contemplated such a scene? How ridiculous and insane these deserters from modern social life would appear! Just imagine abandoning the thousands of conveniences, appurtenances and baggage which make modern life so colorful, so rich with variety, so hectic, so superficial! The universal conclusion would be that these sequestered rebels were all of them either egregious fools or rabidly insane. Editorials would be written laughing down this experiment, sermons would be preached, lessons would be pointed, and a hundred missionary movements would be organized to bring these wandering members back to social sanity.

Psychologists tell us that man is a curiously contradictory and inconsistent animal. The average man's life is a composite of levels of attainment in the mental, physical, economic, social, ethical and spiritual fields. One may rank high mentally but low socially; one may rank low economically but high ethically and spiritually. There is no inevitable high correlation with any of us, in all of these traits. This inconsistency seems to be the rule, rather than the exception, and the race follows suit.

Great as our achievements have been in the mechanics of life, remarkable and astonishing as have been our attainments in the material world, we are still as barbarians in the field of social relations and mutual human understanding. We have not failed to apply every new invention and device in the direction of improved business, commerce and navigation, but we have failed miserably to apply, with the same degree of eagerness and general enthusiasm, the latest scientific findings regarding the improvement of human relations.

The number, the ages, and the varieties of its social offenders, are the best index of the moral calibre of any social group. One may justly paraphrase a familiar sentence and remark "By your criminals shall ye be known". The best test of our moral and socio-ethical progress are our courts, our jails, our prisons, our entire machinery for handling those who are socially maladjusted. We still talk of crime waves; we still engage in official, cold-blooded public murder; we still insist on repression, severity; we still urge punishment; we still cry for laws with "teeth in them"; we still lust for the agony of the penitent;

we still prattle about suffering serving as expiation or atonement for wrong-doing. To that extent do we still live in the dark ages, with the hand of one man against another, and the doctrine of Christ a mute challenge to our stubborn barbarism and wilful ignorance.

Science, in its various fields, has made many contributions pointing the way out of darkness into the light of increased human understanding. But as yet we have hardly begun to apply the wealth of the practical material already at hand.

It is to this wealth of material, which modern science has contributed, that I wish to address myself. To the eye of the trained scientist, modern society, in its handling of the social offender, is as archaic, as old-fashioned, as myopic, as queer, as that hypothetical group first pictured who built a fence around themselves and insisted that all modern civilization should go in the discard and a return be made to the days of semi-civilization. Just as one would justly regard such a group as either fools or insane, our own civilization could, with justice, be similarly indicted in view of our present-day handling of the delinquent.

If I were to choose a text for my further comments, I could find none better than the recent words of Richard Byrd, that intrepid knight of the air, who when asked to comment on the marvelous achievements toward a conquest of distance and the destruction of physical barriers stated with keen philosophic insight, "We have improved and progressed and developed, but we have failed to make the most of ourselves. We have explored everything except our consciences. We are still a horde of pigmies, selfish, and envious, each striving for individual supremacy. We have come through the ages worshiping in our different ways the Supreme Being that best suits our multiplied faiths, but the sum total of our occupation of this shrinking planet is a pitiful demonstration of weakness. It is not the geographical but the moral limitations of the world that must be charted, and the really great explorers will be those who find the way to universal reconstruction."

Our task, therefore, will be to indicate what science has already charted, and what these facts suggest by way of social reconstruction. For purposes of convenience and clarity the contributions of psychology, psychiatry, anthropology, biology, education and sociology, will be separately treated. It will be

obvious that the following presentations cannot be encyclopædic, they must inevitably be brief and sketchy.

I. THE CONTRIBUTIONS OF PSYCHOLOGY

(1) *On the Doctrine of Innate Depravity and Original Sin*

The beginnings of a scientific study of this question date back some thirty years to the Child-Study movement. Most detailed notes were kept in a number of instances of the gradual unfoldment of the child mind. No moment of the child's life, no behavior manifestation, but passed under the discriminating scrutiny of the adult mind, and was subject to the keenest critical analysis of the scientific eye. This rather primitive child-study procedure later was displaced by much more elaborate objective tests and measurements covering every phase of the child's sensory, perceptive, emotional and volitional life. After two generations of the most careful critique the old doctrine that children were born with an innate depravity was thrown in its entirety into the discard. This curious doctrine dies hard because of its close association with the religious dogma of original sin.

Not alone does modern scientific psychology find no innate depravity in the growing and developing child, but the findings are as conclusive regarding average normal adults. Whatever badness, meanness, tendencies to crime we may find seem due to mal-developments, twists in personality, the thwarting of normal instincts, the crudeness of our present social order, mis-education, retardations in intelligence development, disturbances in normal mental health, and backwardness or distortion in the development of an adequate scale of moral values.

(2) *On Motive Drives to Behavior*

Psychologists may differ regarding methods of classifying mental phenomena, and possibly in their interpretations or generalizations. There is, however, universal agreement on the subject of fundamental drives to human behavior. In general all of those performances which advance the activity, the self-expression of the individual, all of those conditions and influences which satisfy the hungers of man, are the behavior patterns which become fixed, and the influences which are sought for. There does not exist a single instinct tendency, or a single action pattern, or a single inclination of the human species

which any psychologist would recommend that we destroy, or suppress. Such annihilation is contrary to all the laws of nature, and such extirpation might lead to the development of far more serious tendencies and conditions than the one which we might attempt to destroy. Criminal tendencies are merely the misdirection of human energy. Prevention and cure must inevitably go back to the fundamental motive drives to behavior, and to the basic impulsions which were led in the false direction of anti-social behavior. Rehabilitation of the socially sick must follow the same course as rehabilitation of the mentally sick, namely—mental restoration and social reorientation, with careful follow-up during convalescence and ultimate replacement to a normal place in society.

(3) *On Intelligence Differences*

The clinical thermometer in the hands of those who do not understand temperatures is a most dangerous tool. A yardstick in the hands of a Hottentot is likely to suffer considerable abuse. In the same fashion, tests for the measurement of intelligence have been more sinned against, than sinning. Its chief profaners fall into two categories, one of which finds all of us feeble-minded except a small, select and elite circle destined to rule and dictate, and the other finds all of us average normal individuals, with feeble-mindedness only recognized on the idiot level. To this group of misnamed mental testers, the moron feeble-minded are the poor victims of inadequate education and a poor start in life. In spite of these evil-doers, tests of intelligence have achieved a recognized place in the collection of tools by means of which we attempt to understand and to treat human nature.

One of the outstanding facts which tests have established is what an enormous amount of usefulness only a little intelligence can yield. The moron and institutionalization are by no means synonymous. Some of our best and most respected citizens, at large and at work in society are morons. Some of the idols of the populace who draw larger salaries than the most outstanding president of the most outstanding university are whisperingly suspected of feeble-mindedness. And, if it may be mentioned, the chances are that even such lay estimates of intelligence as these are somewhat inflated.

Another result of intelligence testing has been the conclusion that intelligence per se or a high I.Q. is not everything. A large

number of factors make up the essential mosaic which leads to socially desirable behavior. Moral worth, moral calibre, moral integrity, moral understanding, ethical discrimination, moral development, those are factors too little spoken of, not sufficiently studied, and rarely, if ever considered in our attempt to select tests of human worth-whileness.

Nevertheless, intelligence tests, properly administered, and cautiously interpreted can supply vital information regarding the capacity to make new adjustments and new adaptations on certain specified levels of intellectual understanding.

It is not true that all criminals are feeble-minded, nor has it yet been adequately proven that all criminals show no greater differences in mental capacity than the average mass of people at large. But if either were true, we well might inquire, what of it? There are other factors beyond mere intelligence which should give us greater concern if we are ever to attack the evil of crime rationally.

(4) *On Moral Discrimination*

As yet psychology can give us no final word regarding this, from the social viewpoint perhaps the most important of mental capacities. A few tests and measurements have been developed and half a dozen monographs are available but we are yet on the fringe of this unexplored region. These facts perhaps are true: (a) One may know what is right and what is wrong but not necessarily know why. (b) Knowing why in a most expert fashion is no guarantee for right conduct. (c) The chances are that most of us do not really know why some modes of conduct are right and others wrong. (d) Much of our etiquette, morals, codes of law are largely a matter of social inheritance, like one's religion and one's politics. (e) Right conduct is largely a matter of learning what is commonly regarded as right, getting into the habit of acting in accordance with that social code, and avoiding getting into contrary habits, sometimes more enjoyable ones. (f) Morals vary with the times with different social groups. Even in the same social group, each stratification may have its peculiar moral code different from that of other strata. (g) Knowledge of what is right or wrong has no relation to intelligence capacity above the imbecile level. Discriminations, evaluations, judgments regarding different types of behavior are highly correlated with intelligence capacity. (h) Moral judgments are predicated on a person's individual

scale of moral values. These scales may vary greatly in any two individuals selected at random. (i) To what extent a person may follow one code of conduct and actually believe in a code diametrically opposed has as yet not been determined. One cynic has remarked, "We must all be hypocrites in order to be successful and get on in this world."

These are but a few generalizations, vague perhaps, uncertain to an extent, but they do, possibly, indicate the potential material in this needlessly neglected field. The general conclusion of all of this is, that nature gives us in 99 and 98 hundredths of all human beings sufficient potential mentality and inherited tendencies to behavior, that were we intelligent, sympathetic, understanding, we would avert practically all the crime we suffer. Making good, law-abiding citizens is not, however, a task for the public schools alone. The job begins in the cradle, and should thereafter be the concern of every social influence and every social agency with which every human being comes in contact.

II. THE CONTRIBUTIONS OF BIOLOGY

The outstanding contributions of biology are the following:

- (1) Criminal tendencies as such are not inherited.
- (2) Acquired delinquent propensities in one generation cannot be transmitted to the next.
- (3) Lombroso was all wrong about his stigmata of degeneracy.

(4) As far as we know the average infant born in 1927 A.D. is the same as the average infant born in 1927 B.C. What differences exist are largely differences after birth; differences in social milieu and differences due to a gap of 4,000 years in the accumulated experience of the race.

(5) Regarding the question, "Which is more important—heredity or environment?" the only logical answer is, "Both". At any rate, recent biological research is revealing our past error in minimizing environmental influences in the developing life of the individual. Such authorities as T. H. Morgan and H. S. Jennings are ample guarantee that scientific accuracy has been adhered to in this return of environmental factors to their legitimate place in the sun.

By way of summary, the biological sciences really give us no clue to the solution of the crime problem. Few, if any of us, are born free of a multitude of physical defects. What

happens ultimately, in the direction of social behavior, depends not so much on the nature of the physical handicap, as on the individual's adjustment thereto, and the extent to which society, through its various agents, has aided in that adjustment.

III. THE CONTRIBUTIONS OF SOCIOLOGY

(1) *On Societal Evolution*

Much as we have already traveled of the difficult road to a better, more capable, more understanding social order, much more of the road is yet before us. In fact we have barely left the starting point. Our material progress has been so prodigious that it dwarfs into insignificance our efforts to bring order out of chaos in the field of human relations. Outwardly we present a fine veneer, termed civilization. Inwardly, and in many of our social customs, we still betray our recent rise out of barbarism.

The Bible, important as was the part it undoubtedly played one time, forcing the life of humanity along religio-ethical lines, is perhaps, in these days not entirely an unmitigated benefit. Accepted by thousands as heavenly born, its facts presumably beyond scientific critique, with stories, events, and incidents of doubtful, if not negative, ethical connotation; its universality of appeal and the certainty of its beneficial moral effect have legitimately been questioned. We have been satisfied with a doctrinaire morality—a morality based on dogma and on an assumed higher authority. What we need is a morality based upon a reasoned acceptance of fundamental ethical values—a morality based upon an intelligent understanding of what all this is about—a morality whose keystone is not personal salvation and a guarantee of a safe place in Heaven, but a morality whose keystone will be first, a knowledge of one's possibilities and those of one's fellows, and second, freedom of development and of expression for all, without exploitation, without suppression, with tolerance, sympathy and understanding, one man toward every other.

(2) *On Society's Contribution to the Fixation of Behavior Defects*

By sins of omission or of commission the social group tends at present to fixate or aggravate behavior defects appearing early in life which later flower into distinct anti-social action.

The biography of any typical gangster or confirmed convict amply illustrates this condition. The world is too occupied with other things to be deeply interested or vitally concerned in the manner by which its future adults are now being prepared for their normal place in society. As long as this attitude is maintained we shall continue to have a greatly oversubscribed quota of social cripples for other nations to wonder at.

(3) *On Social Conflict*

We have developed a remarkable cooperative social organism in the United States stretching from ocean to ocean and from Canada to Mexico. Transportation, the telegraph, the telephone, the press, the radio and aeronautics have assisted tremendously in helping create a common-mindedness in this country. Nevertheless, inter-group conflicts are daily featured in our news. There are economic conflicts, race conflicts, religious conflicts, industrial conflicts, social conflicts, educational conflicts, not to mention international conflicts. We hear of the class struggle, race riots, fundamentalism and modernism, midnight floggings, strikes, lock-outs, the Ku Klux Klan, Bible in the schools, blue-law rebellions, prohibition battles, capital versus labor, bombings, lynchings—a large roll-call of conflicts and of violence.

We must clearly understand that crime rate is a direct measure of the moral status of any social group. When the crime rate is high, the moral tone of a social group is on a low level. When the crime wave is low, the moral tone of the social group is on a high level. Causes for low moral tone may be numerous, *e.g.*, disorders in the group's emotional and ethical values due to the wreck and ruin of war, the bitterness and the intensity of the economic struggle, the low calibre of those appointed as moral or religious teachers, rampant demagoguery, laws out of number and out of reason, impoverishment in the character of social leadership, the worship of false idols, the striving after material wealth at all costs. The lesson is obvious, that if we wish to reduce the extent of crime we must reduce or eliminate these cancers from our social organism.

(4) *On Punishment and "Schrecklichkeit" as "Deterrents"*

The greatest defect of severe punishment, terror and suppression as deterrents is that they do not treat the roots of

crime. Crime is merely a symptom that something is wrong with the body social. The criminal is only the symptom. Punishment of the criminal alone will never achieve desirable social goals. At present we cannot do without prisons, but prisons alone will never be the solution of our crime problem. Incidentally, prisons are becoming quite the respectable place to go to for a brief vacation. At one time the abode largely of hardened, older men, a place of shame and abhorrence, prisons to-day contain the pick of our elite: prohibition violators, stock manipulators, grafting politicians, bank defaulters, Mann Act violators, and a host of other "respectables". The respectability which these "pillars of society" bring to the prison is gradually raising it to a level not far removed from the average summer retreat.

(5) *On Crime as a Definite Cause and Effect*

Crime does not happen haphazard. It can be predicted with greater accuracy than the weather. For the past ten years or more Chicago has averaged four murders a month. Someone will be murdered in cold blood there week after week, on the average, for the balance of 1927. Stop it if you can. There are indeed fluctuations and variations, but as a rule the law of statistical constancy provides you with similar tables of crime for your city year after year. The changes which occur, or the trends of increase or decrease for different types of offenses are highly predictable.

The time perhaps is not far distant when the study of human nature will have so far advanced that we may be able to determine the social risk of all people. Insurance companies now are able to determine whether you are a good or bad insurance risk. There are also good and bad social risks. Not all of us are good social risks. President Coolidge, Herbert Hoover, Jane Addams, are fairly good social risks. An escaped convict from Sing Sing prison, fifty years old, who has served three terms in other penitentiaries, and has had a long record of delinquencies dating back to early adolescence, is a rather poor risk. Were we to take 100 people at random, we would find about 2 per cent excellent social risks, and about 2 per cent extremely poor social risks, the remainder varying in the usual percentages of distribution characteristic of all variations.

Every city and town has its peculiar complexion of popula-

tion, industrial conditions, educational and recreational resources, housing facilities, church influences, political conditions and so on. With all of these facts known, the nature and the extent of crime which will develop are not difficult to compute.

Since crime is a cause and effect relationship, an attempt to prevent or reduce crime must inevitably devote itself to a concern with causes.

(6) *On Probation and Parole*

So much will be contributed at these meetings on this subject that any extended treatment here would be superfluous. Suffice it to say that a careful, scientific analysis of the operation of probation and parole as well as the principles underlying their practice, has proven the soundness of these procedures in readjusting delinquents. Like any tool, probation and parole must be intelligently handled in order to be free of those evils, which are made capital of by some ill-advised antagonists.

One could continue discussing other important findings in this branch of science, but that would be trespassing upon your time and your patience. These few final generalizations, however, are given by way of conclusion:

- (I) Each delinquent should be studied and handled individually.
- (II) There should be greater concentration of study and reconstructive effort to readjust all young delinquents.
- (III) Punishment of delinquents by legal rule-of-thumb should be abolished. Our present procedure of meting out a ton of suffering for a tenth of a ton of crime is infantile and futile.
- (IV) Jury trial should be limited to a determination only of guilt or innocence. If guilty the alleged delinquent should be held for study and observation by a commission of experts to determine mental and physical condition, and to secure a complete background picture ante-dating the crime. Thereafter case-work technique should be followed to attempt the same type of social reconstruction with delinquents that is now being attempted with so-called dependent families.
- (V) Social engineers should at once be permitted a thor-

ough-going, though gradual, reconstruction of our social order to the end of eliminating those forces making crime an inevitable development, and working toward the creation of new forces, or the expansion of existing ones to prevent the growth of criminal personalities.

- (VI) All of us must develop greater human understanding. Sympathy we have a-plenty but it is pitifully mis-directed. There are "sob-sisters" who "mush" over every prison inmate, and there is the "hardboiled" official who believes he is the only one who understands and can handle the criminal. Both types are dangerous. We have not yet developed the capacity or the art of transmogrification, the art of fully and completely transferring ourselves into somebody else, and yet with our own eyes seeing completely the other person's side of a problem. How many have witnessed a hanging and entertained, even for a moment, the fleeting thought: "But for accidental circumstances you might be here and I, up there!" Not until human understanding becomes more the rule than the exception will we be making any progress with this difficult and trying problem.

In closing may I again call to your attention the analogy with which this paper was introduced: It is time we began to apply the wealth of scientific knowledge already at hand regarding this eternal question: "What Shall We Do with the Offender?" The measure of the social understanding, the moral stamina, the "intestinal fortitude" of this generation will be determined by what such folk as you are going to do about it.

UNUSED SOCIAL RESOURCES FOR THE PREVENTION OF CRIME

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Society.*

At first glance my subject may seem paradoxical. If there are social resources, how can these be unused? The explanation, of course, is that certain social resources are not sufficiently used and the insufficiency of utilization runs the whole course from being little used by some social organizations, by the government, by departments of government, by courts and departments of justice, clear through to the duplication of effort and the failure of social, religious and government forces to keep abreast of the times and to keep pace with the increased needs and readjustments of our day and generation.

In studying the causes of crime, the Sub-Commission of the New York State Crime Commission was not swept off its feet by the undue emphasis which has been given to punitive legislation.

This Commission believed that habits formed in childhood are faster than colors dyed in the wool, and to this end, confined its studies largely to the factors that influence youth at the impressionable age.

I have read somewhere of a man who stood and looked at the sweeping flames of a prairie fire on an autumn day, stretching miles away, and at night throwing a lurid light to the broad heaven above. Of course, you do not suppose that those flames were put there. The fact is that some one was negligent. Yes, the hunter, after his evening meal, sat smoking his pipe. He knocked a spark out of it and it kindled and grew and he watched it, thinking that he might put it out by the mere stroke of his boot. But it escaped him and ran and spread, here, there and everywhere and swung on. And the wind caught it and it laughed and roared and crackled as it sped along, growing wider and more furious, consuming harvest, fence, hut and hovel. It took care of itself after it was once kindled. It had

its multiplying power. Evil always has. Don't let it get started. Put it out early.

Just to be different, I am going to start at the end and talk about the problems of crime, and as we study this problem that has always been with us, we shall gradually find our way into a discussion of the unused social resources for the prevention of crime.

For years the United States has had one crime wave, so-called, after another. The police, courts, judges, the suspended sentence, probation, prisons, the indeterminate sentence and parole have each been indicated in the generally admitted breakdown in the administration of criminal justice. The extent of crime in the United States is shown by the fact that if each commitment to a correctional institution represented a different person, one out of each two hundred of our population would be in jail each year.

Discussion regarding the causes and cure for crime has been general and widespread. Practically everybody—judges, lawyers, clergymen, college presidents, social workers and even the so-called “man in the street” have been asked for and have freely given their opinion regarding the particular panacea they believe is needed to solve the problem.

Now that opportunities have been given to everybody to express their opinion, it is high time that this outstanding, unsolved social problem received scientific study.

Ordinarily, unusual interest on the part of the general public in a social problem as important and as serious as that of crime and the intelligent treatment of criminals, would result in a constructive program to meet the existent situation, but this desirable result has yet to follow. In fact, the only apparent result seems to be that there have been created two separate and distinct groups with divergent and conflicting points of view. One group dogmatically asserts that the crime problem can only be solved by increasing the severity of sentence, and proceeds to have mandatory legislation enacted. Any suggestions that the opposing group makes are often labeled as the theories of sob-sisters and therefore not worthy of the consideration of rational, unemotional and commonsense individuals. The other group, sometimes equally dogmatic, points to the history of crime and punishment and says: “Read and be convinced that fear will never decrease crime, for history shows that every possible method of punishment for criminals has been tried and

proven a failure; that our present society will never again be barbaric enough to inflict the tortures which were once meted out to lawbreakers." The tragedy of the present situation is that hurling brickbats and administering verbal whippings is neither constructive nor helpful and that out of the conflict will come no rational program.

The aims of both groups are fundamentally the same—the protection of society and the reformation of the offender. Therefore the Sub-Commission on Causes of Crime of the New York State Crime Commission is not affiliated with either group. The members are of the opinion, however, that the time has come for society to study and to evaluate its methods of dealing with criminals. If present methods are antiquated, new methods must be created to meet the present needs. But before making any suggestion, the members of the Sub-Commission became definitely of the opinion that if a study were made of the life histories of men committed to our correctional institutions, such a study might throw some light on this perplexing problem, and that the facts discovered might be utilized for intelligent discussing and planning.

As Chairman of the Sub-Commission on Causes of the Crime Commission of New York State, may I frankly and freely confess to you that the Sub-Commission discovered no specific unused social resources that if used, would solve the crime problem? But we did discover that the social institutions with which all delinquents come into contact at some time,—the home, the church, the school, recreational work, social agencies, the courts, probation, institutions and parole,—frequently represented resources that if intelligently used, might decrease if not prevent crime.

THE HOME

That bad home conditions play an important part in the making of delinquents is generally accepted. The death of a father or mother in a family depending for maintenance upon the earnings of one member, is a serious social and economic matter. If the father dies, the wife and mother must become a wage earner in an effort to maintain herself and her children. In order to do this, she must in most cases work outside her own home. The children are unsupervised, or attempts, generally unsuccessful ones, are made to supervise them by an older brother or sister. In no instance in the cases studied by the

Sub-Commission was it found that, in the families who were clients of either public or private social agencies, the relief was adequate enough to keep the mother in the home. If the wife and mother dies, efforts, generally futile, are made to secure a housekeeper, but competent ones cannot be obtained because the income of the family will not allow the paying of sufficient wages to secure the right kind of housekeeper. If there is no daughter old enough to become the household drudge, or no unattached female relative, a losing struggle is maintained to keep the family together. The father either re-marries, with the usual conflicts between the children and their stepmother, or he stops struggling and places the children in institutions.

It cannot be assumed, however, that because both parents are living, the home is a normal one. Frequently in cases where both parents are living, one or both may be addicted to the use of liquor, may be immoral, or refuse to provide for or support the family. The effects of bad family life in the making of delinquents cannot be stressed too strongly, and by bad family life is meant a family in which there is constant bickering and fighting, where obscene and indecent language is used, where there is little or no sympathy, interest or understanding between the parents and the children, and where there is a lack of moral standards and no real religious or spiritual life. No mention is made of the more subtle factors that cause conflicts, jealousy and misunderstanding between different members of the same family. Because the technique of social case work is still in its infancy, in few case records is there information regarding these factors and the efforts of social workers of the courts or private agencies to meet these family situations, but no real social worker is apt to assume that a home is a good one because the family is economically successful, or because both parents are living.

Practically every study made of the life history of offenders, and every real social investigation made of an individual offender, indicates whether or not the child or the adult comes from a broken home, a home in which one or both parents are dead, divorced or separated. Enough statistical data has been piled up to show that a large percentage of our offenders do come from broken homes. In the case studies of offenders, made by the Sub-Commission on Causes, it was found that 66.3 per cent were from broken homes. In a study of 3,053 offenders made by Cooley, it was found that 1,440 or 47.1 per cent were

the products of broken homes, and Healy's study of delinquents and criminals in Boston and Chicago, showed that of the 400 Boston cases, 121 or 30 per cent were from broken homes, and 264 or 49 per cent of the 420 Chicago cases, came from broken homes.

While it is not even hinted that the social workers of the courts stop securing this information, it is pointed out that what is needed at the present time, is information regarding the subtle factors that fix and color the thinking of delinquents from not only broken homes but homes where both parents are living.

It is these subtle factors that are not entered in case records, and until they are, the part played or the technique employed by social workers in changing habits or adjusting unsocial conditions will not be known, and, therefore, cannot be utilized by other social workers who want to profit from the experience of their fellow workers.

THE CHURCH

Religion has been and is one of the most potent factors in reforming character. No one would want to underestimate the contribution it can make and has made through all the ages in the changing of character. It is recognized that to define religion, so that the definition would be acceptable to all religious groups, is a difficult if not impossible task; so no attempt is made to do so. This term, however, is used to cover and include the efforts of representatives of religious agencies to affect the lives of delinquents, their efforts to make offenders understand that religion means something more than church-going and to inculcate spiritual ideals that would result in the delinquent's realizing that in offending against society, he has not only disregarded the laws of his fellowmen, but—what is of equal if not more importance—that he has also offended against the moral code. But just as schools, reformatories and correctional institutions and other social agencies fail to affect the lives of offenders, so, too, have the efforts of spiritual leaders failed.

In interviewing boys and men in reformatories and prisons, one waits patiently to hear some stories of contacts with religious personalities, outside of prisons, or in other correctional institutions of which they have been inmates, who have stirred their

emotions, but one waits in vain. Ministers, priests and rabbis have not been the heroes of these men.

What one hears from their lips are stories not of kindly sympathetic understanding and constructive help, but negative efforts to make them good by preaching at them. In pointing out the failure of religion to affect the lives of many delinquents, it must not be assumed that any indictment is intended or being made against religious agencies or institutions. It is an effort to point out the lack of cooperation representatives of religious agencies sometimes meet in dealing with social workers, communities and the state, to call attention to the fact that the present technique of the representatives of religion in some of our institutions is not beyond criticism and to suggest to religious agencies the need for changing their methods of work. It is stressed that offenders confined in institutions generally represent the failure of many existing social agencies to make them law abiding, but because they are failures, it is just as necessary for religious agencies, especially those devoting time and energy to the problem of delinquency, to reevaluate their methods and adapt their work to the needs of the individual as it is for any other social agency trying to reform character.

Individuals selected by religious agencies to supervise offenders, juvenile or adult, need something more than good intentions and membership in a particular church. They need and must have specialized training, and in addition must possess that elusive and intangible thing known as personality. The chaplains serving sectarian or state correctional institutions, be they Protestant, Catholic or Jewish, must also have something more than the theological training and good intentions. They, too, if their work is to be successful, must have high spiritual ideals, unusual personalities and a working knowledge of the mechanisms of character formation. Chaplains should be selected not because of their advanced age, or their failure to successfully adjust themselves to former tasks, but only because they have the personality, training and experience, and from experience have learned never to adopt negative measures that come from condemnation, but to assume the positive position of sympathy and understanding, for when positive measures are employed, there will always be a greater response on the part of the recipient.

It is hardly necessary to add that waiting for offenders to

reach institutions for juvenile delinquents, jails, reformatories or prisons before they receive effective moral or spiritual training is waiting too long. The army of delinquents passing through the courts each year, many of them committed to correctional institutions for short or long periods, too frequently represent the failure of the religious forces to make religion a living, vital force in the lives of these boys and men. Crime is a problem of youth because most criminal careers begin in childhood or adolescence. Society cannot afford to wait until a boy or girl is twelve, fourteen, or twenty years old before he or she receives or accepts moral training or spiritual ideals. Individuals are not isolated units. The attitude of the family, schools, recreational groups and the community itself colors the thinking of every individual. The latest reports indicate that there are "now over twenty-seven million of American children, nominally Protestant, not enrolled in any Sunday School", and that "over fifty-eight million of Americans, nominally Protestant, are not enrolled as members of any church, and that only one-third of them so enrolled attend churches with any regularity or contribute to the support of churches". These figures may explain in a measure why religion does not play the important rôle it should in the lives of offenders.

THE SCHOOL

Leading educators recognize that our present school system is inelastic. Our system of grading is based upon a chronological and not a mental age basis. It is generally accepted that the nine year old boy should be in the third grade, the twelve year old boy in the sixth grade, and the fourteen year old boy in the eighth grade. School authorities recognize that all eight, ten or twelve year old boys are not alike physically, that some are tall and some are short, that some are fat and some are slim, but apparently they fail to recognize that children are as unlike mentally as they are physically.

It is obvious to many teachers that a percentage of pupils in classes are unfitted to profit from academic training. The dull normal or backward child either is kept back with children younger and smaller than he is, or because of his size he is advanced to a grade where the work is more difficult and where he is apt to again fail to make adjustments and to be as unhappy as he was in the lower grade. Studies made of the lives of the delinquents would indicate that they did not make normal

progress in school, and that a large percentage were backward, truants, or presented behavior problems.

Truancy and the failure of children to make normal progress in school might with wisdom be taken by parents, social workers and educational authorities, as a danger signal. The causes of truancy or the failure of a child to satisfactorily complete a grade within a given period are varied and complex. It may be due to the inability of the child to adjust himself to the school conditions in which he finds himself. It may be the economic urge, or a broken home, or a vicious neighborhood environment or perhaps a mental weakness.

No matter what the cause may be, it is now a recognized fact that the school can aid in solving the truancy problem by a better adaptation of its educational offerings to the needs of the child. But in few communities has any real attempt been made to solve truancy or behavior problems in this way. When truancy becomes sufficiently chronic, recourse is made to the courts.*

That a conflict exists between courts and educational authorities regarding how the problem of truancy is to be handled, is known to every one having contacts with children's courts. The educational authorities are apt to charge, and with a great deal of justice, that judges of children's courts regard compulsory education cases as of no particular importance, while judges and probation officers are apt to charge that "truant officers" desire the commitment to institutions of all children who are truants, or that the compulsory attendance department desires the probation officers to act as attendance officers, and that cases are so poorly prepared by representatives of compulsory attendance departments, that the courts cannot make intelligent decisions because they do not have the facts.

Due to the inadequate social records kept by most children's courts and most attendance departments, it is impossible to form any real concept of the problem of truancy or the efforts that are being made to meet it. Occasionally, however, school officials make constructive efforts to meet the behavior problems presented by truant or delinquent children, or those who fail to adjust themselves to school life. The effective results obtained in Public School 120 of New York are an unanswerable demonstration of the need for intensive and individual work with these children.

*"City School Attendance Service", by Frederick Earle Emmons, Teachers College, Columbia University; Contributions to Education No. 200.

The school records obtained of the 145 offenders studied by the Sub-Commission on Causes, show that 60 per cent of the offenders were either truants or behavior problems, or both, in school, and that the great majority because of lack of interest in formal school work, or because of limited mental equipment, indicated early in their school careers that they would not or could not profit by formal academic training. The unskilled occupations which the boys and men followed after leaving school indicate the desirability of manual training and vocational guidance before a specific age or grade in school is reached.

Manual training and vocational guidance are needed not only for the truant or backward child, but for the normal child as well, for a study of 245,000 sixteen, seventeen and eighteen year old employed boys in the state of New York, representing every section of the state, and unselected as to place of birth, home or economic conditions, showed that about 30 per cent left school before fifteen, about 38 per cent left school between the ages of fifteen and sixteen, and about 26 per cent left between sixteen and seventeen.* Investigation made by the Interchurch World Movement shows that boys desert the Sunday School at these same ages, and leaders of the Boy Scouts of America, report that most boys drop out of the Scout Troops at about these ages.

After a careful study of two hundred and one persistent truants, made by the Crime Commission in co-operation with the Bureau of Attendance of New York City, the following recommendations were made: First, the establishment of clinics for the medical, psychological and psychiatric study of truants. Second, the revision of the grammar school curriculum to meet the individual needs of the truants and other problem children.

The Sub-Commission is continuing its study of truancy on a larger scale, toward the end of drawing up a program that will be used for experimental try-out in the school systems of New York state.

If there was time, much could be said about the unused social resources of the public schools along recreational lines. What shall we say of recreational centers, gymnasiums, swimming pools, playgrounds, which are not utilized at certain

*"Our Boys—A Study of 245,000 Sixteen, Seventeen and Eighteen Year Employed Boys of the State of New York", by Howard C. Burdge; p. 239.

seasons of the year and after school hours? The school will not be meeting the problem as it should until our local governments provide financial resources and trained leadership so that the spare time program of our schools will be just as vital a part of the school system as the school time.

THE PRESS

The press is also a great force, but it will always be, in a sense, an unused social resource, while some of its representatives are making heroes out of criminals by playing them up in the headlines of the daily issues. There are some remarkable illustrations of certain newspapers in this country which are a positive force for good, but there are others which print every possible line of scandal that they can get hold of. There is certainly an opportunity for our outstanding newspapers to rise up and create a sentiment among all the newspapers to raise their news columns to the highest standards so that these more nearly conform to the editorial columns, which, in the great majority of newspapers, are clean, constructive, and able.

RECREATION

Organized and supervised recreation neither reached nor made an appeal to offenders studied by the Sub-Commission on Causes, for in not more than five instances were these boys or men members of supervised recreational groups or organized and supervised sparetime organizations. The offenders from Greater New York came principally from six sections of the city, sections in which, due to congestion and other social problems, efforts have been made to meet the recreational needs of the residents by the establishment of settlements, clubs and other recreational and educational centers, but the lives of the men studied were singularly untouched by these formal efforts to interest them in the wise use of spare time.

The recreational interests of the offenders studied who resided in large cities and those who resided in rural parts of the state do not differ to any great extent, except that the delinquents from the smaller or rural communities were "crazy" about automobiles and had stolen to obtain them. The main recreational interests of the group studied were in prize fights, boxing matches, cheap social clubs, burlesque and cheap vaudeville entertainments, pool playing or loafing around pool

rooms. Only a limited number danced or were interested in dancing.

Unsupervised, except occasionally by the police, neighborhood "social clubs" are of prime interest to these men. In some instances these clubs are in their own way as exclusive as college fraternities, and membership in a particular social club is something to be desired, for it is apt to decide the social status of the member in the neighborhood. The main activities of most of these "social clubs" are to provide a "hang out" for members, where they can play cards or pool, hold an occasional dance, and if necessary, make home brew.

As the membership in these clubs, like any other club or fraternity, is made up of individuals with like interests, the loyalty one member of a club has for another, what he will do for another member in trouble or in need, is amazing. In a community where all neighborhood spirit is supposed to have vanished, in fact in a section less than five minutes walk from Broadway, will be found a neighborhood spirit similar to that of a small, rural community. On a visit to the room of one social club none of the members of the club were found there. Inquiry revealed that one of the club members had recently moved to a nearby tenement, and the club members were helping with painting, paper hanging, and installing plumbing in the new home. In another instance, a member of a club embezzled money to gamble. To keep him from being arrested various members of his club and his neighbors borrowed from a loan company a sufficient fund for the man to reimburse his employers. The embezzler is now repaying his friends who made it possible for him to keep out of prison.

The thrill of satisfaction that the members of a "boat club" have in the knowledge that they built their own club house, and their own sea-going vessel, is as real as the satisfaction that a member of an exclusive yacht club would have in knowing that he had helped to sell enough stock to permit the building of a new club house. The care that members of a club take of a pool table or a radio set when they have contributed or raised the money to buy them, is quite different from the care that is exercised when it is known that pool tables or radios will be replaced without any efforts on their part.

"Social Clubs" have become a great factor in these congested communities, not because all the members of these organizations are law breakers or potential law breakers, but

because these club rooms are their own. Probation officers, recreation leaders, or organizations interested in the spare or leisure time of children and adults, are overlooking a real opportunity by their failure to have contacts or to build up friendly relations with the members of these clubs. The members of these social clubs are not all gunmen.

WORK

The economic needs in the families of the offenders, the lack of mental equipment or interest on the part of the offenders in academic education, the conflicts with school authorities, and outside interests or activities which make for truancy, result in a majority of boys who become law breakers, terminating their school careers as soon as it is legally possible for them to do so. Without vocational guidance and without training, it is not surprising to find that a great number of delinquents worked at occupations that required no technical skill, and that they frequently changed jobs, and apparently obtained little satisfaction from their work.

It is not implied or suggested that the present laws regarding compulsory school attendance, child labor, or continuation schools be changed to allow boys or girls unfitted to profit by the present school curriculum to leave school and go to work without having acquired the fundamentals of an education, but attention is called to the desirability and the need of allowing children who are dull normal or subnormal, to have an opportunity to take courses in manual training before reaching a specific or designated grade in school. It is not assumed that all the problems of truancy or the behavior problems that offenders present will be solved by allowing them to take manual training courses, but it is thought that if the individuals studied had any specialized training which would have made it possible for them to have secured employment in occupations in which they could have rendered real service and that would have resulted in a measure of satisfaction, a few of them at least might not have become law breakers.

SOCIAL AGENCIES

The same general criticism that can be made of probation work—superficial and hit or miss methods of case work—can be made of many social agencies having contact with offenders or their families. The failure on the part of the client or clients

to accept the plans of the social worker, and sometimes the refusal to give an address of a member of a family, frequently result in social agencies closing their cases with the entry "Family refuses to cooperate." One seldom finds that constructive friendship exists to any great degree between social workers and their clients. Their superficial friendship at least, seems to end at the gates of the reformatories or prisons, for personal visits to clients, especially adults confined in institutions, are few and far between.

Psychologists and psychiatrists must in the near future render additional service to social workers. While few of us would question the value of mental examinations, it should be stressed that if the diagnosis or prognosis made by the psychologist or psychiatrist is to be of service to the social workers of the court, something besides labels is needed. It may be of unusual satisfaction to a probation officer to know that the delinquent whose unsocial habits he is to change, is a moron with a mental age of twelve, or that the delinquent is psychopathic, or that he is the "dizzy type" of offender, but what is of more importance for the social worker to know, is how to deal effectively with a particular moron, with a particular psychopath, or a particular dizzy type offender who has been examined. The psychiatrist or psychologist must do something more for the social work than to pass on labels. He must be of service in formulating a plan of treatment for the individual offender which the social worker can try out, and if the suggestions are not workable, the social worker should feel free to go back and ask for further advice and assistance. The work of the psychologist or psychiatrist ought not to end with a diagnosis or prognosis.

The social case records that are kept by probation officers and social agencies having contact with the offenders are in many instances neither complete nor accurate. It is not possible to evaluate the success or failure of the treatment given to a client because in few instances is there given the diagnosis of the case or the plan of treatment formulated to meet the needs of the individual or the steps or methods employed in the changing habits. Statements made in the case records of one probation department or social agency too frequently conflict with the statements made by the probation department of another court or social agency. It is, of course, realized that definite efforts are made to check delinquent careers and there is little doubt that con-

structive help is given to the clients of both private and public social agencies, but if the work of social agencies is evaluated only from the case records, in the majority of cases practically the only information one can obtain is that an unusual amount of advice had been given, but scanty attention had been paid as to whether or not this good advice was followed.

The scientific subject matter and the methods of social work are at the present time highly tentative. That leaders in social work recognize this, is indicated by the following paragraph taken from the last Bulletin of the New York School of Social Work:

"The practice of social work is an art. In this sense the social worker face to face with a concrete problem must depend upon his own powers. As compared with older professions, he has fewer precedents to guide him, less substantial formulations of experience to draw upon. Most of his professional acts, therefore, are the product of his own imagination, ingenuity and trained mental powers, making use for his immediate purpose of what he has learned about social problems and social work."

Friends of social case work like Dr. Haven Emerson and Dr. Lewinski-Corwin have challenged social case workers to put our "generous successes to the test of telltale rates, ratios, curves, trends", and to face the facts and show proof of the value of our accomplishments. Mr. Samuel A. Goldsmith of the Bureau of Jewish Social Research points out that in spite of our tremendous literature on diagnosis and treatment, we have almost none dealing with the result of treatment.

A small group in the field of delinquency are constructively critical of the results of case work with delinquents and are making desperate efforts to evaluate the results of probation treatment in terms other than discharged with improvement, unimproved, rearrested, absconded, etc.

The National Probation Association might well have committees to analyze selected case records in an effort to evaluate the methods of achievement. There is need in the field of delinquency for pioneers to work out some accepted measuring rod for determining what is accomplished in particular cases and to evaluate the methods that are employed, and to suggest new ones. Constructively evaluating our technique of work and changing it to meet new needs, is an intelligent step in the prevention of delinquency.

As the result of our studies in two rural counties, the Sub-

Commission of the Crime Commission of New York state submitted the following findings and recommendations:

1. Community Responsibility—

It is the opinion of the Commission that in rural counties there is not sufficient recognition of the social problems of the community by leaders who could and should develop resources not only to care for individuals in need, but also to do preventive work through group action. Supervised community recreation is undoubtedly one of the greatest preventive forces in meeting the crime problem. While this can be supplied in some measure by the constructive development in existing agencies such as the public churches, fraternal organizations and the like, there must be added to the facilities now existing in practically every town of any importance in the state, new types of boys' and girls' clubs. These clubs must have as their objective, one might say their single objective, the making of provision for wholesome recreation for boys and girls. By this we mean distinctly that such agencies for recreation should not make recreation a mere bait to attract prospective converts to this or that, but that recreation which in itself has definite possibilities for character-building, should be the objective and the sole objective. Moreover, the directors of such clubs must have a sympathetic understanding of young people and their point of view and be able wisely to direct them. Adequate financial resources can probably be secured for the development of clubs of this sort with adequately trained leadership. There is no more worthy object of private philanthropy than this. Moreover, fraternal organizations and other agencies should interest themselves in securing the grants of private funds for such purposes.

2. Boy Scouts—

In those parts of the state that lie outside of the cities and larger villages, the extension of boy scout and girl scout organizations can be of tremendous assistance in meeting this problem.

In the recommendations for urban areas, we made the following suggestions concerning community recreation:

3. Community Recreation—

- a. A non-sectarian boys' club under trained leadership and having employment, medical and vocational

guidance facilities, is badly needed for boys of all ages. Such splendid contributing programs as the Boy Scouts, Woodcraft and Big Brothers should cooperate in the program of such a club. A fine opportunity for private philanthropy.

- b. Recreation facilities for older girls should be provided by private philanthropy.
- c. Playground space for young boys and girls is required. There is available state-owned land and privately-owned land that the city should use for this purpose.
- d. Commercial recreations should have much better police supervision. Particular attention should be paid to small pool rooms and moving picture shows where the law on admitting minors is practically a dead letter.
- e. Steps should be taken to force out the smaller speculators in commercial amusement ownership among whom the turnover in ownership is greatest and among whom standards of quality of performance and type of house, as well as adherence to the law are lowest.

THE COURTS

Individuals who are not acquainted with the workings of the courts are apt to have the opinion that all men are sentenced to prison after a trial. The fact is that only a small percentage of offenders ever stand trial. Warden Lawes of Sing Sing Prison, has estimated that 75 per cent of those received at Sing Sing have entered pleas of guilty without trial.

Pleading guilty to a lesser offense than the one for which the offender has been indicted is a common practice. The term "copping a plea" is part of the vocabulary of every prison inmate. This system of accepting pleas judged solely from an economic point of view, may be satisfactory for it saves the cost of a trial, but if a man is guilty of robbery first degree, is justice served under our present theories of punishment, if, instead of being convicted for the offense of which he is guilty, he is sentenced to prison in the second or third degree? If men in correctional institutions, knowing that other men in the same institution have received lesser sentence for like offenses, sneer at justice—which they do—can we blame them? The number of men who plad guilty without trial would indicate the social desirability of having carefully selected individuals trained in social and medical science impose sentence.

The courts have another serious problem that ought to receive careful consideration, and this is the problem of the non-resident offender. Crime today is something more than a local or county responsibility. Individuals may commit a crime in one state and in less than an hour be in another. Every state in the Union is being called upon to bear the financial burden of supporting in its correctional institutions a large group of offenders who are non-residents of the state. In the study made by the Sub-Commission on Causes, it was shown that during a two months' period 50 per cent of the young men received in the state reformatory were either non-residents of the counties from which they had been committed, or of the state. In a recent study made of 1916 men serving sentence in the Western penitentiary of Pennsylvania, 37.3 per cent were not residents of the state of Pennsylvania.

In many instances gangs of boys between sixteen and twenty-one leave their communities by means of stolen automobiles and are picked up in another state, and committed to a reformatory. Their parents or guardians have no knowledge of their whereabouts until they are notified by the authorities of the institution. Too frequently these adolescent youths are runaways from institutions for juvenile delinquents. Because of a limited staff of workers, little is learned by the institutional authorities regarding either the boys or their families. The wisdom of parole in these cases seems extremely doubtful.

The problems of dealing with offenders who are not residents of a particular state is by no means limited to persons sixteen years of age and over. The reports of the Committee on Run-away Children of this Association also indicate the part of automobile plays in the beginning of delinquent careers.

PROBATION

Probation is the outstanding development of the past quarter of a century in the correctional field. The cornerstone of the probation system is the individual treatment of the delinquent. One of the outstanding contributions that probation officers can make to the adequate treatment of delinquents, is the making of thorough, unbiased preliminary or social investigations. These investigations if properly utilized are not only invaluable to judges in giving them trustworthy information, but they can also be of great service to institution officials when the offender has been committed to an institution for juvenile delinquents,

a reformatory, or a state prison. If the social investigations are thorough the psychiatrist will find them of real value in his work. These investigations could also be put to advantage by officials responsible for the planning of the offender's activities while in the institution, and by parole officers.

Adequate investigation or probation records are not made or kept by many probation officers due primarily to a lack of clerical help. The complete social investigations made by the efficient probation department of the Court of General Sessions of New York City have reduced by approximately 50 per cent the number of offenders released on probation by this court. These investigations have resulted in a careful selection of the offenders who are to be given another chance.

Because of lack of clerical help under present conditions, preliminary or social investigations too frequently must be done hastily and in some instances the words used in the reports to the court are not properly evaluated. The word picture which the probation officer in his report to the judge may present may be unintentionally an inaccurate one. The fact that a young delinquent seventeen, eighteen or nineteen years old has been in a number of institutions does not necessarily prove that he is "hard boiled" nor does it prove that the correctional institutions have failed. The present to the judge a long record of previous appearances in various courts or commitments to institutions, or unchecked Bertillon records, without any attempt to weigh the seriousness of the offenses, is as unfair to the delinquent, or the criminal, as it is to the court.

It would be unfair to imply that probation officers in their reports to the courts consciously present a picture of the defendant that is unfair, but the careless use of stereotyped phrases and pet expressions, or superficial judgment, may result in the curtailing of the freedom of an individual, and may also mean that the delinquent will never receive the institutional treatment that might change him from a law breaker to a respectable member of society.

The minimum standards for effective probation work, established nearly ten years ago, have been tested and found to be workable, provided that there is an adequate staff, well trained and properly supervised. Sooner or later it will be realized that probation is an important and definite part of the correctional system of every state. It will also be realized that no intelligent probation officer is of the opinion that all children

appearing before the courts, or all so-called first offenders should be released by the courts on probation. Whether a person should be committed to a correctional institution or placed on probation must, if scientific probation work is done, depend upon the investigation and study of the individual delinquent. The theory of probation is unassailable. There is, however, a wide divergency between the theory of probation and probation in actual practice. This discrepancy is a problem of administration. The weakness of administration rests in part with the proper fiscal authorities of cities and counties, and in part with the state; it is due to their failure to appropriate sufficient funds to make scientific probation work possible. If there is ever to be an effective probation system, not only must cities and counties pay salaries that will attract and keep the right type of probation officers, but provision must be made for transportation, clerical help and decent office quarters, and states must render constructive aid not only financially but by intelligent direction and helpful supervision.

INSTITUTIONS

While crime may be as old as civilization itself, sending men who break the laws of society to prison to punish them is a comparatively modern development. The present prison system of England and America began in the last quarter of the eighteenth century. Because it represents the simplest and easiest method of disposing of law breakers, it is generally accepted. The fiscal authorities of the state year after year appropriate vast sums of money for the maintenance of these institutions with little questioning or evaluating the results obtained. Newer methods of treating offenders have to battle for their existence. They are always on trial, always being criticized. If parole has been granted to a notorious offender, the value of parole is questioned, and no distinction is made between the theory of parole and the administration of it. The failure of probation to change the habits of an individual, or the occasional releasing on probation of a hardened offender makes the critics of the system rush to introduce legislation to limit the powers of judges. However, less than twelve years after the establishment of the first prison in New York, its failure to accomplish its purpose, to deter others from crime and to reform offenders, had become so apparent that the legislature of 1822 ordered an investigation. The investigation showed that the

charges were correct; the fear of prison had failed to deter others from crime, and offenders had not been reformed. The institution was overcrowded, so Auburn Prison was built. This new prison was soon filled and Sing Sing Prison was added. When more room was needed to house prisoners, Clinton prison was established. Then in 1911 Great Meadows prison was put into operation for the better type offenders.

The situation which existed in 1822 is similar to the situation which exists today. With the exception of the indeterminate sentence, probation and parole, and minor changes in rules of discipline, for over a hundred years fundamentally no real progress has been made in penology. Over a hundred years ago plans were made in this country to classify prisoners. Prison libraries were established early in the nineteenth century, and the first prison school began to function at the beginning of the second quarter of that century. As early as 1826 the inability of the prison administration to deal with the insane was recognized. In some prisons there has been recreation since July 4, 1864. The value of religion in changing the habits of individuals was recognized from the first. In New York State in 1801 a law was passed to introduce manufacturing in our prisons and as early as 1804 there was opposition to prison made goods. Yet these are the problems that are still being discussed today.

During these hundred years a great deal has been discovered regarding human behavior, yet this knowledge is not being used, for prisoners are as yet not treated as individuals but "en masse". Practically nothing is known regarding the social background or personal history of the men who are to be reformed.

The outstanding failure of not only prisons but the present institutional system is the failure to understand and treat the needs of the individual offender. As long as mass and not individual treatment is followed, prisons may punish but they will fail to reform. The practice of good habits for a definite period in the coercive atmosphere of an institution gives society no assurance whatsoever that these habits will carry into a totally different situation when the irksome restraints are removed.

That correctional institutions have failed to reform law breakers is generally conceded. That society will for hundreds of years need reformatories and prisons is also generally conceded.

At the head of our institutions are competent men, acting as superintendents, agents and wardens, but the correctional system at the present time is such that the wardens or superintendents must of necessity be administrative officials. Their time is taken up primarily with business and administrative problems. Under present conditions time will not allow them to do personal work among the prisoners.

During their term of imprisonment the inmates receive only negative discipline. The position assumed by the prison guards and other officials is a master and servant relationship. One school of modern psychology teaches that man is bound to realize his fundamental wishes, and these wishes are first, security, that is, a wholesome place to go out from and return to; second, new experiences, recreation, adventure, new sensations; third, recognition; he must belong to some society in which he has status, some group in which he is somebody; in short, he must be a person rather than a mere cog in the economic or social machine; and fourth, he must have an intimate association with some one or some thing, even though it be merely a cat, or a dog, for which he feels affection and knows that affection is returned. All human wishes are reduced finally to these four categories and no human creature is likely to be wholesome and happy unless in some form or manner all four of these wishes are more or less adequately realized.*

Our prisons and our reformatories and institutions for juvenile delinquents with few notable exceptions do not present opportunities for the individual delinquent to realize any of these fundamental wishes. "We need a new penology . . . which shall be penetrating in its insight into the subjective aspects of the individual's life, . . . But it is not only necessary to study the delinquent as a person, merely to understand him. It is also essential to deal with him as a person in any practical situation demanding the formulation of a program of treatment."†

The findings of the Sub-Commission taken from its case studies of major offenders point in unmistakable terms to the problem of unused social resources. May I summarize these findings for your information?

* "The Significance of Social Research in Social Service", by Robert E. Parks, *Journal of Applied Sociology*, pp. 264-265, May and June, 1924.

† "The Unadjusted Girl", by William Thomas; Chap. I.

† "The Gang", by Thrasher, pp. 498-501.

1. There is no unit cause for crime. In every case studied there were many causatives—bad or broken homes, poor neighborhoods, difficulties in school, drunkenness, feeble-mindedness, poverty, mental abnormalities, low moral standard and other factors that might result in anti-social conduct.

2. The majority of the men committed to state prisons and to the reformatory began their delinquent careers as children. They presented behavior problems in school and later became truants.

3. Community or neighborhood organizations like the settlements, community centers, spare time organizations for boys, clubs, supervised recreation, etc., have not, except in possibly five instances, touched the lives of these offenders, but commercial amusements, prize fights, gambling, cheap musical and vaudeville shows, social clubs, night clubs and cheap dances were the favorite recreational activities of the men studied.

4. Experience with the courts, schools for delinquent children, jails, workhouses or reformatories have not deterred offenders from committing other offenses.

5. In the majority of the cases studied the offenders were employed in dead-end jobs; they had neither the training nor possibly the mental equipment to hold positions of responsibility.

6. A large percentage of these offenders, especially the younger group, used alcoholic beverages.

7. Obtaining a gun to use in unlawful acts is an apparently easy matter and in no instance in the cases studied was the person selling the gun discovered or prosecuted.

8. Except in a limited number of courts, no adequate machinery is provided for obtaining social histories of the offenders and criminal records are seldom, if ever, checked or verified.

9. The laws which allow only the offense committed to be considered, and not the offender, have resulted not only in sending men to prison for unnecessarily long sentences, but, what is of more fundamental interest to law-abiding members of society, men who are habitual criminals, and the feeble-minded, psychopathic or the insane, who ought to have custodial care—some of them for the rest of their natural lives—are committed to correctional institutions for short terms and allowed to return to society.

10. The seemingly accepted procedure of having offenders plead to less serious offenses than the ones charged, to avoid

expense and delay, is in many cases pernicious and often results in seasoned and hardened offenders' getting off lightly.

11. No offender should be placed on probation or committed to a correctional institution without a thorough social investigation made by trained and experienced probation officers. These social investigations are of vital importance if offenders are ever to receive individual attention or if the state is ever to have an effective parole system resulting in a prevention of crime and reformation of offenders.

12. Public agencies dealing with delinquents act as separate and isolated units. It is not generally accepted that the police, probation, the courts, correctional institutions and parole are all a definite part of the correctional system of the state. Duplicate records, information regarding mental and physical examinations or investigations of probation officers (except in one court) are not transferred from one correctional agency to another.

13. Institutions are trying to reform or change the habits of individuals with no real knowledge of the men. If cooperation were developed with private social agencies, schools, probation officers, etc., valuable social data could be obtained which could be utilized in planning a constructive program to help the individual and his family.

14. Little can be expected from commitments to institutions if mass and not individual treatment is followed.

No convict, if results are to be obtained, can be treated as an isolated unit. Ultimately he goes back to the community, back to the conditions that surrounded him when he broke the laws. The social problems existing in the families of the men studied indicate the outstanding need for having attached to our prisons well trained social workers, with the right kind of personality, to act as liaison officers between the offender and his family, and social agencies interested in the family.

15. No court dealing with adults now has attached to it a department of psychiatry, and while in a few courts a small fund is appropriated for psychiatric examinations it is insufficient, and the probation staffs of the courts have to depend upon the courtesy of private clinics.

16. The psychiatric departments of prisons and reformatories are handicapped because of the failure of the state to provide a sufficient number of psychiatrists and field workers.

17. Discussions regarding the so-called "coddling of pris-

oners'', minor criticisms of prison wardens and criticisms regarding the intelligence or lack of intelligence of prison guards is superficial and not fundamental and will not result in any real understanding of the prison problem.

18. There is need for intensive study and research before any constructive program effectively to deal with crime and criminals is promulgated.

19. The time has come for clear thinking regarding the aims of our correctional system. If the only aim of society is to inflict vengeance upon law breakers, then the more mandatory the laws that can be enacted the better it will be. If vengeance is the sole aim then probation, the indeterminate sentence and parole should be abolished, and the state should begin to build more prisons. But, if the aim is the protection of society, and the reformation of the offender, mass treatment of offenders should be done away with and individual treatment substituted. Mandatory laws which fix penalties for specific offenses or limit the power of judges should be enacted only as emergency measures.

These findings speak for themselves. Just a mere rehearsal of these findings which are, of course, the result of an exhaustive study, prove conclusively that the problem of unused social resources is one not to be considered lightly by socially-minded people.

And now, ladies and gentlemen, I make my conclusion in the form of a question and I say, "Why is it that America, where of all countries in the world there is less excuse for crime, where the people are better paid, better fed, better housed and better clothed, take it by and large, than anywhere else in the earth, why of all peoples are we breaking all the crime percentages of history? How did all this come about, who is to blame, what can be done to improve and correct the situation?" A few people, aroused by the present situation, are feverishly seeking some remedy but there is no short road to virtue and order. The only adequate remedy is to bring the social forces that I have mentioned into play and to their maximum stature and then have every father and mother, every teacher, judge, church member, social worker, every good citizen, you and I, every one of us take a good look at his or her own face in the glass and say, "I am also responsible."

"My own personal obligation"—that is the shibboleth. The game of passing the buck will never get us anywhere. The

great task before the church, the school, the press, the home and the social work agency in every community is to get back on the job and then to reach and influence the sense of personal responsibility now so largely lost or atrophied by non-use.

Then we shall lift our nation and our world to a higher level; then we shall build a better generation.

Every one, social worker and business man, teacher and scholar, capitalist and worker, government and church, all together should be one solid phalanx marching toward a better America, working out through the boyhood and girlhood of our day and generation. This is the challenge of the present hour. May we be faithful and not falter with such a prize at the end of the way.

SPORT AND CRIME *

CAPT. P. R. CREED, *Founder of the Sportsmanship Brotherhood*

It is only necessary to understand the code of honor of a sportsman in order to realize that sportsmanship and crime have nothing in common and are in fact mutually destructive.

What is the sportsman's code of honor?

He keeps the rules.

He keeps faith with his comrade.

He keeps himself fit.

He keeps his temper.

He keeps a stout heart in defeat.

He keeps his pride under in victory.

He keeps a sound soul, a clean mind, and a healthy body.

The spirit of sportsmanship properly understood is in essence one of the two overshadowing ideals of all time, a man's duty to his neighbor. It derives from the Sermon on the Mount in the words, "Therefore all things whatsoever ye would that men should do to you do ye even so to them, for this is the law and the prophets." No true sportsman can be a bad Christian as far as his duty to his fellow man goes. You cannot be a true sportsman if your innermost spirit is selfish. A boy or man, if he is selfish, cannot possibly be anything but an essentially bad member of his team. For the very essence of team-play is the surrender of personal ambition for the good of the team. And a still larger unselfishness is demanded of the sportsman. He must keep a strong curb on his sensual appetites. He must at all times keep himself fit, a sound soul, a clean mind, and a healthy body. As Rousseau said, "The body must needs be vigorous in order to obey the soul: a good servant ought to be robust. The weaker the body the more it commands: the stronger it is the better it obeys."

The modern spirit of sportsmanship may be held to be a revival of the spirit of chivalry of the Middle Ages. This spirit is summed up in the words which Tennyson puts into the mouth

* Paper submitted through the courtesy of Capt. Creed who was unable to attend the Conference.

of the dying King Arthur, leader of the Knights of the Round Table:

“To ride abroad redressing human wrongs,
To speak no slander, no, nor listen to it,
To honor his own word as if his God’s,
To lead sweet lives in perfect chastity.”

The spirit of sportsmanship is the spirit of charity, chivalry, unselfishness, tolerance, vigor, manliness, health. What the world needs to-day beyond all else is a revival of the old Crusading spirit expressed in terms of everyday life which all can hear, learn and make their own in spite of the noise and turmoil of modern industrialism with all its complicated machinery.

The divine spark of the spirit of sportsmanship is latent in every normal boy and girl. Is an effort being made to kindle it and to turn it to the service of humanity? The schools are there: the children are there: the teachers are there. I speak from experience when I maintain that children from ten years of age upwards instinctively respond to the ideals of the spirit of sportsmanship because these ideals are expressed in a medium which comes within their experience and understanding. Abstract idealism leaves the children cold because it is remote from their short experience of life, not because children are lacking in idealism. Their fine instincts unblunted by contact with the world make them romantic idealists and hero-worshippers, greedy for the satisfaction which is withheld from them. They are given stones when all the while there is a plentiful supply of bread at hand. Mr. Matthew Woll, Vice-President of the American Federation of Labor and President of the Sportsmanship Brotherhood, has put the matter in a nutshell. He says, “I think that we are entitled to our slogan

‘Every Child a Chance’.

By this I mean that every boy and girl should be taught the theory and practice of the code of honor of a sportsman not only on the playing field but in their whole conduct and attitude to teachers, school-fellows and neighbors. We want to see the spirit of sportsmanship so inculcated in our children at an age when ‘the mind is wax to receive and marble to retain’ that it becomes a dominant influence in their character.”

Education as at present understood deals too much with the intellect and too little with the feelings and emotions. Intelligence is but a tool in the hands of the passions. Education must

begin with a training of the feelings and the guidance of emotions before it can hope to fulfill its essential function of becoming a powerful uplifting and character-building influence. As has been well said, "Education is what remains after we have forgotten what we were taught at school."

And now let me quote a leading authority on delinquency. Dr. Charles Platt is President of the National Probation Association. Let us see what he says about sportsmanship as an antidote to crime. I have a letter from him in which he writes. "My especial concern is, as you know, the prevention of delinquency and, if you can succeed in introducing a true spirit of sportsmanship into our schools, you will go far toward solving this problem. You will eliminate from the field of crime many of our most troublesome offenders. The new criminal is not necessarily either sub-normal or vicious. More often than not he is an able boy with a crooked development, just one to grow up with bad standards, one who has never been taught to play the game. Crime and sportsmanship do not go together."

In large cities the average age of the first offender is under 22. He is, as a rule, rather above the average in education and intelligence and has taken to crime as a quick way to an easy living. On the average, one boy in fourteen is arrested. In some large cities this average runs as high as one boy in eight. *America leads the world in crime!* Her annual crime bill has been computed to be ten billion dollars—one eighth of her national income. Has not the time arrived to saturate the schools with the spirit of sportsmanship? As I have said, the schools are there: the children are there: and the teachers are there. Why is this invaluable antidote to crime neglected and withheld? But this neglect in the schools is not the whole story. There is the child's leisure time where the failure of the educational system bears such ill-omened fruit.

Here let us listen to what the Hon. John T. McGovern, Director of the Public School Athletic League, and member of the Field Staff of the Carnegie Foundation, recently told the Bar Association of the City of New York. He said, "Let us look at the daily life of the boy in the congested communities. He gets up in the morning and goes to the public school. The law makes him. Good enough. He is not a criminal while in the school-room. He goes to church on proper occasions. That's good too. He has his meals at home. Good. But what does society do for him at other hours, at the only time when he is free to do as he

likes? Well, it makes him live in alleyways, streets, poolrooms, on the docks, in car-barn yards. There is where he learns the fundamentals of a criminal career from his older brothers who are quick to use the bright boys as apprentices."

And now for the other side of the picture when the boy is given facilities for healthy recreation—as drawn by Mr. McGovern. "Once you enroll him at, say, eleven years of age as a member of the elementary school seventy-pound relay team, you will note that he wants his team to win. He wants the personal glory of victory and he is exalted at the thought that he has the number of the school on his shirt. His classmates watch him carefully. For his own success and to avoid the criticism of his mates he has to keep fit and practice regularly. So he brushes his teeth, takes baths and goes to bed at ten o'clock with his window open. He is inspected as to his heart action, his lungs, his eyes, his teeth. He is in a healthy avocation. He is thrilled and happy. He begins to look forward. He wants to stay in school long enough to get on the high school teams: and later in high school he looks forward to winning his letter at some university. He has learned the spirit of coöperation, of team work. He has developed an esprit de corps. He realizes that he has become a symbol of something not priced in money but more desirable."

I like Mr. McGovern's phrase "more desirable than money". The good citizen is certainly more desirable than money, but it may be added that the manufacture of good citizens is the very best and most profitable investment within the whole range of human activity. The annual crime bill of America is ten billion dollars. Dr. Louis Dublin, Statistician of the Metropolitan Life Insurance Co., has estimated the value of the annual loss in human life owing to disregard of the elementary laws of hygiene at six billion dollars. A sportsman does not commit crime and he keeps himself fit as in duty bound by his code. Sixteen billion dollars per annum is a lot of money, even for the richest country in the world. It represents in fact one-fifth of the national income. By the way, Dr. Dublin estimates the value in dollars of the men, women and children of America at five times the total value of the nation's material assets. So, from the cold dollar point of view, would it not pay to inculcate in every child the spirit of sportsmanship and provide a playground for every child where it can give vent to its healthy instincts under proper supervision? Are not the children more important to America

and to the world than museums, new universities and other monuments chosen by the rich to honor their memory? Hundreds of millions of dollars are given to such objects but there are millions of city children who are not taught the spirit of sportsmanship and who have no playground. America is said to be the land of opportunity, meaning presumably equal opportunity for every child. Can this claim be sustained? Has the slum child with no playground an equal opportunity of becoming a credit to itself and to its country with the child who has a healthy playground? The question answers itself. And this question is of more vital importance to America than any other.

To take one city and a very conservative estimate: half the children in New York have no playground. And New York is the richest city of the richest country in the world! Here is a chance for a leader to render a service which will stand out in the history of his country, a service which would make the ideal of equality of opportunity a fact and not a farce.

The benefactions of the rich are—with some honorable exceptions—largely an attempt to make a pyramid stand on its apex. This futile attempt may be more due to the head than the heart. Rich men are not as a rule the best judges of human values, or such organizations as the Playground and Recreation Association of America, The National Probation Association, and the Boy Scouts would not have to ask for money. It would be given unasked. There are 700,000 Boy Scouts in America. It is almost unknown for a Boy Scout to become a criminal. Why not, then, seven million Boy Scouts? The answer is that neither the necessary money nor the necessary personal service are forthcoming. Leaving aside humanitarian and patriotic considerations, would it not be a good investment to have seven million Boy Scouts? There are 11,000 millionaires in America. There are, besides, millions who could afford to give personal service.

The work which creates real values—human values—does not lend itself to publicity. It is not spectacular and does not provide lime-light. Nor does it lend itself easily to posthumous notice for the names of its benefactors. But if rich men will give with both hands of their plenty to such work during their lifetime they will reap a rich reward. And when the end of their innings comes they will be able to look back and say, "I did my best to give a sporting chance to the under dog, the under-privileged child." As sportsmen they will have played the game for the side.

THE PROBATION OFFICER AND THE POLICE

FRED R. JOHNSON, *Chief Probation Officer, Recorder's Court, Detroit, Mich.*

The first question to be considered in a discussion of this topic is whether police should serve as probation officers. That this is not an idle query even in 1927 is evidenced by the fact that as late as 1923, in a survey of juvenile courts, it was found that 43 of these courts reported police acting as probation officers. A report published by the Children's Bureau states, "It is evident from the character of the replies of many of the police probation officers that they considered their duties in connection with children to be limited to conveying a child to an institution or jail, arresting or swearing out a petition against him, or presenting evidence in court."¹ With such a practice still obtaining in a number of juvenile courts, we are not likely to be far wrong in assuming that it prevails to a like or greater extent in connection with adult courts, although no study similar to that of the Children's Bureau has been made of the adult field.

If we approach the subject historically, it is interesting to note that the first probation officer named under official authorization was a former policeman appointed by the mayor of Boston under a law passed in 1878. His name was E. H. Savage, and he had for many years served as chief of police of Boston. A well informed contemporary writes, "His methods of work are simple but require tact, judgment and experience in dealing with the criminal classes, all of which Captain Savage possesses in large degree."²

The adult probation law of New York State, enacted in 1901, specifically provided that police officers might act as probation officers. A notable state commission of inquiry, of which Homer Folks was chairman, was appointed in 1905 to review the operations of the law. After a searching investigation, this

¹ Eveline Belden, *Courts in the United States Hearing Children's Cases, Children's Bureau Publication Number 65*, p. 55.

² Warren F. Spalding, *Proceedings of Conference of Charities and Corrections for 1880*, p. 63.

commission concluded as follows concerning the employment of the police as probation officers: "The police officer, as a rule, has no expectation that offenders will reform. His chief duty is the enforcement of the law; repression, not reformation. He has little conception of what probation work means, and, as a rule, little or no aptitude for it. We are glad to state that these remarks do not apply to a few of the police probation officers, who do excellent work. Aside from these exceptions, the commission is firmly convinced that the detail of ten or twelve members of the police force of the city of New York to so-called probation work accomplishes no good purpose, is a waste of public funds, diminishes unnecessarily the force available for proper police work, and hinders the development of real probation work in these courts."³

The practice of employing policemen as probation officers developed rapidly in England under the Probation of Offenders Act passed in 1907. A departmental committee, in making its report to Parliament in 1909 following an inquiry, discussed the matter in the following terms: "In Liverpool the head constable has been appointed one of the probation officers for the city. A branch of his staff, 22 in number, deals with this work, together with reformatory and industrial school cases, supervision of convicts, and prisoners' aid. About half the cases placed on probation are committed to him, and the work appears to be well done. In Birmingham also police constables are appointed as probation officers, performing at the same time certain duties in connection with the street-trading byelaws. After giving careful consideration to the reasons that are advanced for and against the employment of police constables as probation officers, we concur in the view expressed in the Home Office memorandum circulated when the Act came into operation, that the influence for good which other persons 'will be able to exert on probationers is likely, on the whole, to be stronger than any influence that can be exerted by persons officially connected with the police'. In view, however, of the good work which may be accomplished by a constable specially qualified for these duties, we are not prepared to recommend that the employment of policemen as probation officers should be prohibited. But we think that it should be very exceptional, and we are emphatically of opinion that in no circumstances

³ *Charities and Commons*, March 10, 1906, p. 870.

should the same man be engaged both on probation work and on ordinary police duties. For a constable to be engaged on one day in detecting and summoning a lad for a breach of a byelaw relating to street trading and on the next to be appointed in the capacity of probation officer to supervise and befriend the same lad, or one of his associates, is clearly contrary to the spirit of the Probation Act and cannot fail seriously to impair the success of its application."⁴

A distinguished senator of the United States, who is now being given consideration as a possible presidential nominee for 1928, furnishes a brief sketch of himself for the current edition of *Who's Who in America*, which contains the following sentence: "Prosecuting attorney of Jackson County, 1898 to 1900, tried 287 cases and secured convictions in 285 of them". In large part because of this record he was made mayor of Kansas City and later senator from Missouri. Throughout his later career he has continued as a prosecutor. His attitude has been the same, whether as chairman of a committee of inquiry with respect to the expenditure of money in the election of senators from Illinois and Pennsylvania, or in hearings involving the Children's Bureau before committees of the United States Senate.

Senator Reed illustrates the facility with which a certain point of view may be developed, and how difficult it is to change a trend of mind. It is this which makes it hard for the average police officer, charged with responsibility for the prosecution of crime, to qualify as a probation officer, with the responsibility of befriending and helping the delinquent.

A new issue has arisen with the development of policewomen. In many cities they have been recruited from the social workers of the community. In Detroit, for instance, we were delighted to have the director of the social service department of one of our hospitals chosen as director of our policewomen. With a socialized division of police and a socialized probation department, what should be the division of responsibility? After guilt has been established, in a given case, and the court remands in order to have a social inquiry made, should this be carried out by a probation officer or by the police?

Where courts have been called upon to determine the functions of branches of the government they have distinguished

⁴ *Report of the Departmental Committee on the Probation of Offenders Act, 1907*, published in London, 1909, p. 6.

sharply between the respective duties of the legislative, the judicial and the executive or administrative. This distinction was drawn in the famous *Killits* case in which the Supreme Court of the United States declared that the indefinite suspension of sentence by a court without statutory authorization was illegal since it encroached upon the pardoning power of the executive branch of the government.⁵ It is well to bear in mind this doctrine of the separation of powers in dealing with the present issue. The police department has discharged its responsibility when evidence has been introduced resulting in conviction. It remains for the court to impose sentence immediately, or to remand while probation officers make further inquiries under judicial auspices. This division seems a safe rule to follow when the court is equipped with adequate probation personnel.

I appreciate that where such personnel does not exist it may be desirable for the court to call upon the police to secure information subsequent to as well as prior to conviction. For example, the National Probation Association recently made a survey of probation in certain counties of Michigan. In one of these counties with a population of 175,000, it found that in June of 1926 there were nominally under the care of one probation officer 770 men and 111 women from the adult courts; 54 boys and 13 girls from the juvenile court; 180 families receiving mother's aid; and 409 cases of divorced parents with children who were paying alimony through his office. Where such a situation exists, or where a probation staff is not socialized, it may be eminently desirable to have the police and policewomen assist the court after guilt has been established as well as before. It should be added that in the case cited, an immediate result of the survey was an increase in the number of probation officers from one to three.

I do not desire to limit the function of the police or of policewomen. There is the great field of prevention, as yet but little developed in most cities. According to a report made by the policewomen's division of our police department, during a recent year they made contact with 20,694 women and girls, and of these only 1,226 or less than 6 per cent were brought into court. Full use was made of social agencies and other community assets in the field of prevention.

⁵ *Ex parte United States*, 242 U. S. 27.

When a case is remanded for sentence by a court with the request that probation officers make an inquiry, it is essential that there be the fullest coöperation between police and probation officers. The police may have not only a complete record of previous delinquencies but also information of material value with respect to the attitude and the point of view of the delinquent. Certainly in adult criminal cases it is desirable as a matter of routine that the inquiry made for the court shall include a careful search of police records as well as a conference with the arresting officer. We are mainly concerned with the person rather than with the crime, but in the interests of a thorough diagnosis we must supplement our independent inquiry concerning personality and environment with whatever of information and insight our associates of the police may possess.

It is desirable that probation workers and police be thoroughly informed of each other's problems. In Detroit our police authorities have been good enough to invite a representative of the probation department from time to time to address their training school. This has promoted an understanding between the two services which otherwise might not have been possible.

In conclusion, may I plead for a full measure of coöperation between courts and prosecuting authorities, and between probation officers and police. We are all engaged in a common task to safeguard the community, to prevent the boy or girl from beginning a life of crime, and if possible to salvage the man or woman who may have embarked upon a criminal career. Let us deal frankly with each other, endeavoring to brush aside misunderstandings which arise, to the end that our efforts may supplement each other and be made, thus, more effective.

THE RELATION OF THE COURTS TO THE POLICE

HON. E. MILES NORTON, *Judge of the Circuit Court,
Crown Point, Ind.*

A judge was hearing a rather spicy case involving domestic discord; and the woman—the complaining party—in testifying reached a point where portrayal of the husband's behavior was very embarrassing. She hesitated, dodged and finally said she would not testify further as to the harrowing details, as they were too shocking for any *decent person to hear*. A friend, an Irish police matron, who had accompanied her to court, thereupon suggested: "Well, just step up and whisper it in the ear of *his Honor*."

Many people, including some police officials, look upon the judge as a person set apart, one who perhaps used to be human, but who now that he is upon the bench has lost most of his human attributes. They overlook the fact that if he is endowed with an average nature and average intelligence his mind will work as theirs and will reach his conclusions through the same processes of reasoning as they would, were he to exchange places with them. On the other hand, the judge should remember that police officials are also human; they become intensely interested in ferreting out and apprehending violators of the law; their hours are long and their labors hard; their work outside of court is exacting and nerve-racking, and they must often appear in court after a hard night spent on the job, and wait all day for a case to be reached, perhaps because of legal technicalities and arguments that courts and lawyers could avoid. If either judge or police official forgets that the other is entitled to some consideration as a human being, how easy for misunderstandings to arise that forbid harmony and mutual confidence and seriously handicap the usefulness of both to the community in the efficient administration of the law and protection of society!

The court may stand for, and ought to embody in the minds of the people absolute integrity and justice, tempered when practicable with mercy—mercy somewhat apart and abstract, perhaps. But the police, the sheriff, the town marshal, the constable, the investigating and arresting officer, those who execute

the writ and serve the process, are most often considered by the community—as they are so aptly called by our colored friends—“The Law”. If the judges of the people should be men of human understanding and sympathies, it is equally necessary that those who personify “The Law” should have these traits also.

The court can deal only with offenders who are properly and legally charged and brought before it; and can exercise authority to punish defendants upon legal and convincing evidence only; and must entrust the enforcement or execution of the judgment to the sheriff. Since the police power functions as a rule fundamentally in each of these operations, it may be easily seen how impotent in fact is the court alone, and how dependent upon this other branch of our government. Truly, the judiciary has been called the weak branch of the government.

It goes without saying, that the police officer must be thoroughly honest and trustworthy, alert and tactful, and if he is a sheriff or town marshal, and no probation officer is at hand, I would advocate that he sometimes act as such and that the offender, if entitled to probation or suspended sentence, secure the recommendation of the enforcing officer, as it is considered valuable by the court.

In a well ordered police department we find special officers to whom probation matters are referred. These officers when working in close coöperation and entire sympathy with the probation department of the court, form a strong combination. Probation officers are specialists in their branch and generally know the law and how it applies to their work. But it seems to me that the court and the state's attorney owe it to every police official from chief to patrolman, the sheriff and town marshal, and peace officers everywhere, to assist them to understand the laws they are to enforce; when and how arrests should be made; what is legitimate evidence; and at least the groundwork of the law as it applies to the rights and duties of such officers. It is as important now as in the days of Magna Charta that “We not make any justiciaries, constables, sheriffs or bailiffs, but what are knowing in the law of the realm, and are disposed duly to observe it.”

The public would receive real value if the judge of every court, and every state's attorney and his deputy, would spend a day or an evening per month, or more, in this work. Some of our most progressive cities have their police take courses in these

subjects, and upon completion issue certificates of graduation. But even where this is the case, a monthly conference between the court and the police department would result in better understanding and closer cooperation in the administration of justice.

The probation officer, if tactful and capable, forms an ideal link connecting the court that tries the case and the police department that brings it in. He or she in certain classes of cases is the right hand of the court. By the probation officer's specialization and case study the court is supplied with the information it needs to build up the most intelligent procedure possible. The police can often use the cooperation of the probation officer to advantage; on the other hand, there is no probation officer who does not need in his or her work the active sympathy and assistance of the police and peace officer. And the court, which though perhaps not the head, certainly may be called the mouth of the law, needs the services of both these hands. And these forces, though not marching hand in hand, should at least move side by side toward the solution of crime problems and the administration of the law.

The court should be the responsible head of the administration of probation law, for by the very nature of things he is charged with the duty of determining when probation should be granted, and how long it is to continue in each case. Every case therefore should be recorded, and its complete history preserved in the files of the court; and the police officers, unless they are also probation officers, should handle no unofficial cases. Only trained probation officers should handle these. In fact, no case whatsoever involving juvenile probation should be disposed of without the service and cooperation of a trained probation officer. And I am of the opinion that few if any adult candidates for probation should be handled without the cooperation of a police officer. The more social minded and socially trained such police officer, the better, but I am persuaded that adults should feel not only that they have a friend in the probation officer, but also that they are under the observation of that more stern, exacting branch of the court's assistance, the police officials. Adults who desire to, may sometimes conceal their activities from the probation officer and impose upon his friendship; but the probationer who would do this does not know when and where he may come in contact with, and under the scrutiny

of, plainclothes policemen, or deputy sheriffs, town marshals or constables who do not parade their stars.

The big job of probation is to prevent further delinquency, especially in the young. In this, there is a splendid chance for the police officials to assist the court if they are of the right sort, and work tactfully. But if because of bribery, corruption or dishonesty of any kind, they neglect or refuse to do their whole duty, they are worse than no police at all, because they betray the trust that people have believed they could place in them.

The police officer, sheriff, etc., by his mere presence and general human interest can:

- (1) Prevent many public dances from degenerating from places of recreation and amusement to anterooms of debauchery.
- (2) Keep bathing beaches morally clean.
- (3) Keep public parks orderly.
- (4) Keep automobiles from being used generally for immoral purposes.
- (5) Keep suspicious and often vicious characters from taking lodgment in a community.
- (6) Stop incipient gambling.

He can also put a stop to many other beginnings of trouble which exist in almost every community.

The first knowledge of social fester spots generally comes to the local peace officer. Therefore, he has the first chance and duty to clear up the condition in coöperation with whatever other agency may be at hand or available. And if he neglects or procrastinates until the social malady spreads, he is as culpable in morals at least as a fireman who delays in extinguishing the initial blaze, or the physician who neglects to quarantine contagion.

It is the joint duty of all court probation officers, police and other peace officers and citizens to detect, prevent and, in proper cases, punish delinquency and crime, and no one can entirely bear the other's burden. Each has his peculiar duty, in addition to his joint obligation. No one in this world can assume *your* responsibilities. Permit me to illustrate by way of a confession:

A girl 16 years of age was brought into our juvenile court, charged with serious delinquency. She had been before the court three or four times, and it was determined that she should now be sent to the girls' school. She was ordered committed to that

institution. Immediately her friends circulated a petition which informed the court that he was making a serious error, and that he ought to give the girl another chance and place her upon probation again. This petition was signed by the girl's pastor, her Sunday-school teacher, day school teachers, by social service workers, police officials, business men, bankers, and citizens generally of the city in which she resided. Some 50 or 60 persons signed this petition. The court, against its own better judgment, granted the petition—knowing of course that not one of the petitioners had heard the evidence or knew all of the circumstances as disclosed by the evidence. At the time this girl was committed she was clean physically. Six weeks later she was again brought into court, and it developed that in the interim she had committed further serious delinquencies, and had contracted a serious social disease. The commitment to the girls' school was then executed and she was placed in that institution, but too late to save her additional disgrace and much suffering. This because the judge refused to assume the responsibility that belonged to him alone; or rather, because he yielded to the requests and petition of substantial citizens and well-meaning people who, while they had not taken the oath to pass judgment, were yet willing to sign the petition and substitute their ideas and beliefs for the judgment of the court. This, of course, was no excuse for the judge; but he made that serious mistake because he was not willing to assume full responsibility and offend so many well-meaning people by following his honest judgment.

But we who live in the smaller communities find that the public does not thoroughly understand, or is not properly interested in, probation. In fact, the last few years have seen a turning of the public mind in many places against all probation and every form of leniency, because of improperly applied and corruptly obtained parole or probation.

The present governor of the state of Michigan was nominated and elected upon a platform one major plank of which was "Less leniency to convicted law violators". The public mind is moving en masse against probation without discrimination, because of glaring abuses. Gunmen are paroled to repeat their crimes, because of partisan, political, or personal pull. Habitual criminals and persons with irresistible criminal urge are permitted to go at large. Our youths are taught in some colleges that they are not responsible for what they do; that circumstances control their acts. That "as a man soweth so shall he also reap"

has been replaced by the so-called "behavioristic" theory of conduct.

Candidates for high office hobnob with gang leaders for political effect and betray parole and probation for temporary political preferment. Political intrigue, racial and religious intolerance corrupt some of our enforcement officers, and sometimes warp the judgment of the court.

Is it any wonder that the times seem out of joint to many of our young people, and that the honest citizenry of the country, casting about for the cause of it all, should seize upon the *abuse* of probation in practice as one of the major causes of our trouble?

We public servants of every kind have this to do, and it requires our best endeavor and cooperation: We must demonstrate to the public that abuse of probation and parole must not be confused with a proper use of it; we must fight hard to keep the habitual criminal incarcerated, so that the honestly erring offender may have a chance; we must endeavor to detect and shut up and keep safe the dangerous and irresponsible moron; we must squelch the so-called advanced ideas that normal human beings are not accountable for what they do; we must not be extreme theorists, if we are to save probation for the good it can and will do, but must keep our feet on the earth as practical men and women.

Gunmen should seldom, if ever, be paroled. Most of them are in the business of crime, and seldom repent or reform. Murderers, rapists and dangerous morons seldom, if ever. Habitual criminals, guilty of three felonies, never. In short, if society must take too much chance—if there is a reasonable doubt of society's safety with a serious offender at large, the doubt should always be resolved in favor of society, and against the parole of the offender.

The fault is not with the parole law, but with its application. Many in prisons or reformatories would do well on parole, and not injure society. But many who are out should be in, and in permanently. If habitual criminals, dangerous morons and criminally inclined youth were properly cared for, perhaps 90 per cent of our crimes of violence would cease, and the public would no longer be "down on parole and probation".

May the courts and states attorneys, probation officers and police officials all cooperate to remove just grounds of criticism

from the administration of the humane, social saving features of the law. And when probation has reached its perfection may we not all hope to see it stay the hand of the offender before the act is done? May we not hope that it will discover in the youth the tendency and inclination towards delinquency, so that whether this be mental, physical, social, or political, it may arrest the event by removing the potential cause.

POLICE SCIENCE AND SOCIAL VALUES

WILLIAM ALDEN WILTBERGER, *Former Chief of Police,
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Police work has been continuous for ages, varying in essentiality and degree from militaristic to political regimes. The trend is slowly changing from a political form to that of a social regime. In the main, regardless of our improvement in methods and knowledge of crime and delinquency, there has been a relative and constant increase in them in proportion to increase in population. It is a question whether or not criminal science has progressed at a greater rate. We can only reduce this increasing ratio of crime by bringing about a greater and quicker use of science. Socialization of our police departments through the use of science depends largely upon public attitude and will.

Police departments in the United States have developed from the early disorganized watchman service to our well organized departments with their very complex functions. If we go back far enough, we will find that police responsibility was required of every citizen. It was necessary for each citizen to take his turn at watch service. This practice developed into the hiring of substitutes from the ranks of the unemployed, until down through police history we find the present ideal of an awakened police responsibility among citizens who cooperate with a department of trained police experts doing the actual work.

To-day, the administration of a police department has become complex due to the corresponding development of society. Early police work reflected the simple social structure surrounding it. Police came in contact with little more than the rogues and thieves of the community. In regard to the non-criminal public, the theory of "laissez faire" predominated in police administration. In those days, this attitude was possible because of a sparse population and a social conduct which was controlled by custom rather than by a maze of social legislation. Naturally, from our changed theories of social control and police power, has come the present development of complex legislation and

civic regulation. In the administration of social and criminal regulation, the modern police come in contact with every person in the community.

To date, public education has been insufficient to raise the standards of public consciousness to the level of much of our social legislation and regulation. The result is that we have brought about serious conditions in the enforcement of the social laws. The law enforcing agencies, such as the police department, soon become undermined; and when there is a serious conflict of public opinion, they become the focal points of attack. Too often when social legislation or regulation is enacted, the education of the public is neglected by the groups who attained this end. Successful enforcement depends upon the majority of the public's living up to this regulation or that law. Frequently, such conditions exist that these laws or regulations cannot be enforced until public opinion has changed so that it will voluntarily obey the law, or until the law itself is modified to meet the majority public approval.

Political control and political use of the police department, as well as of other branches of the machinery of criminal justice, is not only breaking down these agencies but the foundations of good government. This is the biggest curse that the police departments have had to struggle against since their early formation. Because of this evil, for generations the police have been not only handicapped in efficiency, but have also suffered from stigma and abuse when much of the real blame does not belong at their door. There are many antiquated and inadequate methods and standards in our police departments as well as in the other branches of criminal justice and social science. Why is it that these inadequate standards are allowed to exist? The majority of leaders in the field are striving to raise standards to proper level. The public is demanding an improved administration of criminal justice, but it is jumping from one thing to another, and taking the advice of those who are unfamiliar with that particular branch. The public finds that it is not getting what it wants. The public has changed administrators and methods and is wondering why there is such slow progress. Something happens along the line which defeats the demand of the public and handicaps the efforts of those in the various branches of criminal justice. When the public wakes up, it will find that the greatest evil that prevents its demands from being accomplished in the field of criminal justice is politics.

The next question is what kind of politics is it that is so interested in handicapping criminal justice? What is back of all this hindrance of justice? Will the American public ever realize the necessity of separating politics from the administration of criminal justice?

In order to awaken civic police responsibility and understanding of the police program in the community, police departments need better opportunities and methods. Civic organizations, the press, and social institutions should cooperate with their police department.

In many communities the police are finding a valuable outlet in the civic organizations. Many of them have special committees to bring about cooperation; some, however, have allowed themselves to become a part of the game of political football. It is slow work in a community where there is only one police official to cover all the civic groups. In some communities they have a central council of all civic organizations. This offers a better opportunity to promote action and stimulate community interest.

The press can be and is in most cases a valuable aid to the police department. However, when a newspaper becomes the mouthpiece of unscrupulous politicians, it not only undermines the whole police program, but it also undermines the community's interest. This is done by constant subtle, false presentation of police news. Better cooperation of the press may be obtained by using the "open door" policy, and when news is scarce supplying the reporters with plenty of constructive police news. The newspapers have been aiding the police program of prevention by suppressing the identification of juveniles and others on probation in the community.

Many institutions, such as the school and church, can do a great deal in bringing about a better understanding between the community and the police department.

The policy of the modern police department should be to approach the crime problem from the angle of behavior. To carry this out it is necessary to improve the quality and training of personnel. In the selection, training and promotion of our personnel it is necessary that we use modern scientific methods. In this respect, there is a recent and rapid development; but we have only scratched the surface, and in order to bring about the most practical results, we must go deeper. If we are to obtain a better quality of personnel, we need better conditions.

If we pay our men ridiculously low wages, we cannot expect to retain successful men in the department, or to attract high grade men to the profession.

We need a better organization of our police departments, which would tend toward a greater amount of specialization. It is necessary, if we are to socialize our police department, to create and properly maintain special bureaus to handle some of the outstanding and important functions in police work.

We need a better system of organization in our exchanges, and cooperation with other departments and social agencies. We should have a state bureau of identification and investigation in every state in the Union. Our National Bureau of Identification at Washington should receive cooperation from every police department in the country. In this country, a better standardized form of police exchange is also needed. There is a real development taking place in the organization of "police areas" whereby communications, alarms, and cooperation are greatly improved. The organization of auxiliary forces in the community such as town guards, junior and citizen police, is developing into a very effective adjunct to police work. The work with the junior police and its potentialities in the community has only commenced. The effectiveness of town guard organizations, as evolved by R. C. Saunders, especially aiding the smaller communities, is shown by the results in Iowa and Illinois where attacks on banks are reduced to an almost negligible amount. This idea of organizing auxiliary forces in the community, which stimulates police responsibility in adults and juveniles, has possibilities of also being extended into the social work of police departments. The use of the social service exchange by the police department is very essential. A greater use of it should be made. It is also very necessary to secure better organized cooperation of the branches of the machinery of criminal justice. Real systematic cooperation and joint meetings for the discussion of general problems and specific cases have been sadly neglected.

Some probation officers are asking the question, "How can we get the help and not the opposition of the police in our probation work?" It is also often asked, "What is wrong with the police?" Edwin J. Cooley, in his recent book, "Probation and Delinquency", has very ably evaluated probation, and it seems unnecessary here to duplicate his criticisms which parallel many criticisms made by the police. The police feel that too often

probation officers assume a great deal more knowledge concerning the handling of juvenile delinquency and crime than they actually have.

Probation when properly used is a necessary and valuable agency in the machinery of criminal justice. Regardless of some adverse criticism, probation is here to stay, as well as the police. It has helped to carry a step ahead our social standards and the public conscience. Probation has helped to socialize our courts and the treatment of the delinquent and the criminal.

The police departments have been in the field longer than the probation offices, however. In spite of their sometimes antiquated methods and manner of approach, they have gained a practical knowledge of the field of criminology.

We see some of our probation officers, coming fresh from the field of formal education, with a lack of even formal training in behavior problems, and, practically speaking, unexposed to the real fundamental problems in the field, approach experienced police officers and tell them that they do not know how to handle the juvenile delinquent. Successful policemen usually meet such an approach with resistance. On the other hand, there are many policemen in the field who know nothing about the service and assistance which may be rendered by intelligent social workers.

Anyone who knows anything about either the police or the probation field, knows that it is absolutely necessary for the police, the probation officer, and the court to work together with real cooperation. The question is, how can this be brought about? Since failure to cooperate is largely due to a difference of attitude, it can be eliminated when some effort is made toward mutual understanding.

It is necessary to obtain better police officers for our new material, and to properly train them so that they will not only be acquainted with the best that is known about police work, but also know how to cooperate and use the other social agencies in the community. It is also just as important to obtain better probation officers who are properly trained, and who know enough about the police departments and other social agencies in the community, intelligently to cooperate with them. To attract better material into the police department and into probation work, it is necessary for the community to appreciate their value so that in turn they may adequately equip and pay the salaries for this class of public service.

In the matter of education for those who expect to go into either the police or probation field as experts, what are the universities and colleges doing? How many universities are giving courses in technical education of this sort? One of the criticisms of the curriculum of most universities, with all that they offer in the various arts and sciences, is the fact that they are not giving practical technique in the field of criminal justice. Yet they are giving technical courses in almost every other occupation. A great deal of necessary money is spent in "armchair" theorizing on causation and treatment in this important social work; but the training of experts to go out into this field and do the work is greatly neglected. With such a situation, how can we expect an intelligent handling of these very important social problems? Several universities in this country, however, have made a beginning and are giving intermittent special courses in practical police work. Unless practical courses in probation work have been added within the past year, there is insufficient attention being given this subject. At the present time there are enough experts in the various fields available as instructors, to make a real start in this work.

Another great fault in the training of experts in criminal justice and social science is that their training is not sufficient in other branches to enable them properly to correlate the work in their special field to that of the others. This should be taken into account far more than it has been in the past. Workers should realize that there is an amount of material in other branches which is applicable to their own work. For instance, in the police field there are valuable methods in criminal investigation, interrogation, spotting of potential criminals and delinquents, identification and prevention. From probation we can learn a great deal about methods of case investigation, treatment of the individual, supervision and adjustment.

In the selection of personnel, many police departments have been using for some time the very best technique that the specialists in this field have devised,—for instance, intelligence and laboratory tests, thorough physical and psychiatric examination, identification records taken and cleared through criminal bureaus, and thorough character investigations. These departments are accepting none but the best applicants. The encouraging thing is that this method of selection is spreading rapidly and we now have some police tests which aid in selecting workers of special ability for various branches of the service.

Along this line, Dr. L. J. O'Rourke of the United States Civil Service Commission, and others, have done some very excellent work. His test of investigational ability is very valuable. It is presumed that the probation field has kept abreast of the times in this type of selective tests.

After we have these selected officers in the department, our next task is to train our men and women in scientific methods and approach to the police problem. Most of our police training schools have dealt too much with mere routine but the value of such training when properly conducted, however, can be realized somewhat by the statistics from the Los Angeles Police Department. These show that the yearling who is a graduate of its police training school is, in productive value to the department, equal to the five-year man who has not been trained in the police school. In monetary value alone, the statistics show an enormous saving to the city. In conjunction with the training school, O'Rourke points out a further valuable use of these special selective police tests. Certain deficiencies of the officer can be given especial attention and special abilities developed.

With a professional police school also available for policewomen, there would be a greater opportunity for this valuable group. One of the reasons that some policewomen have not found more than perfunctory duties, is their lack of *police* training. There is a great piece of work cut out for the properly trained policewomen. There is a feeling among some in the police field that there has been a little too much emphasis placed on sex differentiation in police work, with the possibility of some misunderstanding. For example, it is often more effective to use a police officer and a policewoman together on a case, but due to the nature of some cases, and the lack of scientific training on the part of one or both, there sometimes develops an embarrassment which seriously handicaps the work. This is a practical condition which is being changed by a scientific consciousness rather than a personal approach. To-day, the policewomen and other social workers who are rendering the greatest value to the departments, are those who have the training and ability to spot and understand the behavior problems underlying each case.

It should be emphasized that the thinking police officials are favorable to the probation idea. In the majority of our police departments, the use of probation has come into the work. Because of its scientific foundation, the advent of this probation

idea into police work has helped, in a practical way, to visualize to the police officers the socialization of the police department. In some cases, it was introduced into police departments because of the poor application of the principles of probation by some probation officers. To other police officials, in their vision of the real work of a socialized police department, it was a necessary method.

Let us stop and examine, for a moment, the work necessary in the treatment of the criminal by the end machinery of our system of criminal justice, that is, by parole. In a study of the after-care of prisoners, based partly on case material of parole failures, which I made some time ago, I came to the conclusion, among other things, that when the criminal was returned to the community, it was then necessary that all the social agencies use the best known technique in a comprehensive and intensive socialized program. In other words, in the end, the entire responsibility and program of treatment comes right back into the community from which the individual has come, or, to all the social agencies which had failed in the beginning with a comparatively easy situation during the childhood and adolescence of this same individual. If these social agencies failed when the problem was much simpler, what reason have we to hope that they would be able to handle the later, more complex problem? If that is to be our outlook, what hope have we for our problem of crime? Our only hope for the prevention of crime and development of recidivists rests in the community on the front line with the police and other social agencies who first come in contact with the juvenile and adult delinquent. The police department seems to me the official agency in the community through which this program should be directed and developed. Many of us police officials are greatly interested in socializing the police department and giving our utmost efforts toward the elimination of juvenile delinquency. Many of us feel that, in the police department, we have a greater opportunity than any other agency in the field of criminal justice, to control the situation. We have advantages that these other agencies do not have. For instance, we are in a position to spot the early symptoms of delinquency, to control many of the social causative factors, and to direct a real crime prevention program in the community.

One serious mistake made by some agencies in the field of criminal justice is the failure to inform the police of the return

or placement of criminals within their jurisdiction. Although probation officers sometimes commit this error, this criticism by the police is directed more at the prisons and parole agencies. Due to the widely exaggerated idea that the police are persecutors, the theory seems to be that they should not know that these ex-convicts are in their community. There may have occurred, occasionally, some incident by an unintelligent "line" officer, which gave rise to this opinion, but this is negligible when compared to the volume of criminals handled, and it is not department policy. If we are to prevent the use of a valuable method in one branch, because of the mistakes of a few representatives, for the same reasons it is just as sound to obstruct valuable methods in the other branches.

Regardless of what some alleged statistics show, we know too well the failures of the paroled criminal group. The police are constantly faced with the problem of having a series of crimes committed, and later apprehending a paroled criminal, who was living in their vicinity unknown to all but the parole officer or prison. Often, the *modus operandi* identifies crimes by an experienced criminal who is unknown to the police of that locality. After considerable work by large details of men, with an attending large loss of property and sometimes lives, the criminal is apprehended. When they identify him as a transplanted parolee, and find that the parole officer knew where he was located, and failed in his supervision, can you blame the police for sometimes having such a strong hatred and disgust for the methods of parole? As an important part of the after-care or parole of the returned criminal, it is necessary, in order that a friendly supervision be established, that the ex-convict be adjusted with the police department. It is a general rule that the police do not bring in an ex-convict for investigation unless they have some good reason for doing so. Furthermore, failure to notify the police does not give anyone the assurance that the ex-convict will not be "picked up" anyway for investigation,—usually called persecution—because later on, after much harm has been done, the police will locate him by various methods, and they will be far more suspicious of him when they believe he has been hiding from them. If parole and probation technique is to be scientific and successful, it is absolutely necessary for all concerned to establish a proper and friendly adjustment of every parolee or probationer with the police department. In such cases, too often, these other branches of criminal justice

do not assume an adequate responsibility to the community and the police are held accountable for these failures. There are many ramifications of this idea, but from the point of view of better cooperation of our branches of criminal justice, and use of better methods and greater socialization in the police department, all focalized toward the prevention of crime, it is necessary that other agencies inform the police of the community in which the criminal is to locate.

In the juvenile probation field, there is an attitude held by some that as soon as the police discover a delinquent they should immediately turn the case over to the Juvenile Court and let the probation office handle the situation. Unless there is an unusually well equipped probation office with real technique and an adequate force for supervision, you will often find, in such a community, lack of police responsibility, and a more serious problem of delinquency. Some of the reasons for this are due to the following:

1. Because they do not have the vision of a socialized police department when they are a mere delinquent-catching organization, and if mere followers in probation technique, the police lose a great deal of their initiative and responsibility.

2. Because the case is entirely out of his hands, the police officer does not follow it further than the filing of his information. When treatment or supervision is begun he is out of rapport with the situation. To follow up such a case usually means that the officer must spend a good deal of time some distance from the community.

3. Because the officer is made to feel that he is merely a "catching agent" of the court after the delinquency has been committed, he does not take the proper interest in certain phases of the real crime prevention program. He fails, particularly, to evaluate and take action with an individual when the symptoms of delinquency present themselves; and he will rather wait until a more outstanding delinquency occurs, and then fill the rôle he is placed in of mere delinquent-catching agent.

4. Often an officer, on his beat, will see a juvenile constantly committing serious delinquencies. Although constantly caught by the police, the delinquent is repeatedly returned by the probation office or the juvenile court. From experience the policeman often sees many related factors in the situation and feels a lack of confidence in the ability of the probation office.

5. Some officers with long experience, feel that they can do

as effective work on a case as the superficial work sometimes done by a probation office or juvenile court. As one successful old "line" chief remarked: "I never take a kid to the juvenile court if I can help it. All the judge does is to give him a fatherly talk. I can do that much myself and save all the trouble of going all the distance to the court and fooling around. And then I have to handle the kid when they get all through." Too many times, the judge is at fault in such cases for not following the proper recommendations from the probation office.

6. It is also a well known fact that police officers will not know how properly to deal with a juvenile if they do not get the opportunity to handle such cases.

The result has been that many police departments, dissatisfied with this type of arrangement, have evolved their own police department system of probation, or whatever else it may be called. They began, first, by securing the cooperation of the probation officers in eliminating from the community the serious repeating offenders. Secondly, they placed on police probation, or referred to other social agencies, the lesser delinquent group and first offenders, both young adults and juveniles. In doing this they used as good a technique as the probation officers in that community. For diagnosis and guidance, they secured their own clinic, and from this procedure they began to get results. Under the old arrangement there had been part-time superficial supervision, or that of poorly trained women handling with motherly attitude of approach live adolescent delinquents. But under the new plan, every officer on the beat is directed to exercise a friendly supervision or contact with the delinquent. When the police department takes a real interest in police probation, and the prevention of juvenile delinquency, the rank and file of officers take a keener interest in dealing with the problem. When the department feels its responsibility and is handling the probation of its own cases, in conjunction with the guidance of the clinic, the result has been that the officers, when they see mild or symptomatic delinquencies developing, have taken a more active interest in getting hold of a delinquent, or potential delinquent. When this condition has developed, it has brought about a better understanding and intelligent cooperation between the police and the probation officers. Then when the police failed to prevent further delinquency they have turned those cases over to the probation office and juvenile court. This has brought about the situation of the police department's taking

care of a great many minor cases on the first line, and leaving to the probation officer the opportunity and time to concentrate upon the more serious cases. The probation officer is thus able to obtain a better quality of supervisory assistance from the police, due to their experience with such matters; especially, when the probation officer gives specific instructions.

In the supervision of a case, there is a valuable service the police can render the probation officer which is too often overlooked. This is by reason of the fact that the police generally know everything happening in the community, better than the probation officer. The police not only know what probationers are doing but also what is happening, and the possibilities for the juvenile to be involved in these offenses. They have many more officers to assist in this supervision and greater opportunity to check up conditions by their modern record systems. In probation work, it quite often happens that "line" officers who come in contact with a juvenile, upset some program of treatment due to the fact that they are not informed on the matter. When we have the police handling the delinquent cases which are comparatively easy to treat, it is going to be a real test of the methods used by the probation officers in treating these first line failures to maintain the same degree of successful probation which they have to-day.*

There has evolved from this situation, a newer concept of the whole police problem which has caused the police to use a better organization and technique in approaching the problem of crime and delinquency from a behavior point of view. This has brought about the crime prevention bureau, which eliminates handicaps found in the present "line" divisions. These were established in departments which had a large personnel, or specialists available to carry out such a program. Even though they may have one-person bureaus, and the other necessary experts are part-time or merely associated with the police department, the time is not far off when even our smaller departments will have these bureaus. Another important factor taking place in police department development is the idea of greater specialization in all branches of police work.

The crime prevention bureau is the place in the police department where the policewoman who is properly qualified and trained will find her real opportunity. After all, prevention

* EDITOR'S NOTE: A pro-probationist cannot refrain from heartily endorsing this statement.

is the type of service the policewoman is rendering; and she will find better opportunity in such a branch to realize many of the ideals she is trying to bring about. Many chiefs of police have not given sufficient attention to the importance of shaping the organization of the police department so that the policewoman can reach her real effectiveness. In such a bureau, she can find many types of work in which to specialize.

It is in this branch of the department that we will use the police psychiatrist, psychologist, sociologist, social workers, police probation officers, juvenile workers, police officers skilled in methods of prevention of specific crimes, community organizers, and other trained personnel in the field of treatment and prevention. The important field of police research, little developed in this country, will find opportunity here. This branch of the service will help to bring about a better organized cooperation with social agencies and the community. Also it is in this bureau that we would have our expert interrogators using the scientific technique of deception tests which Dr. John Larson has given us with the use of his "Lie Detector". This would be used not only for the investigation of criminal cases, assisting the psychiatrist in accurately discovering behavior complexes, but also in aiding the probation officer and parole agent in checking the practical success of the probation or parole treatment before it is too late. This is a very practical and valuable method which was evolved from the police field and has proved very successful. Used in conjunction with the psychologist in testing the veracity as well as the ability of accuracy in the witness, it is a method from which we may learn a great deal. Another use for social workers in this bureau would be in the making of an immediate investigation of the family and home conditions of the criminal, to present this information at the time of the disposition of the case and, when necessary, refer the family to the proper welfare agency. The police psychiatrist will not only handle the diagnosis and direct the treatment of the criminal, delinquent, or potential offender apprehended by the police, but will also guide and assist the other divisions of the department in the behavior approach to their work. He will not only be responsible for the handling of mental cases, referred to the department, but will also direct, or assist in, the mental hygiene program of the community.

It might be well to give the outline of activities of the Crime

Prevention Bureau of the Berkeley, California, Police Department as planned by Chief August Vollmer. It is hardly necessary to mention that for years Chief Vollmer has been a leader in the police field, in approaching the prevention of crime from a behavior point of view, and in concentrating every possible resource of the police department and community in reaching the pre-delinquent on the first line.

BERKELEY CRIME PREVENTION BUREAU

I. *Investigate complaints received by the police, concerning:*

- A. Juvenile delinquency.
- B. Defective home conditions, including:
 - 1. Immorality in the home.
 - 2. Parental neglect.
 - 3. Failure to provide for family.
 - 4. Insane, feeble-minded, or degenerate persons in the home.
 - 5. Alcoholic or drug addicts in the home.
 - 6. Criminals in the home.
 - 7. Inability of the parents to control.
 - 8. Excessive quarreling in the home.
 - 9. Poverty in the home.
- C. Defective neighborhood conditions:
 - 1. Criminal gangs.
 - 2. Suspected gambling places.
 - 3. Suspected bootlegging places.
 - 4. Suspected houses of prostitution.
 - 5. Anarchist societies.
 - 6. Neighborhood racial quarrels.
 - 7. Demoralizing individuals in the community.

II. *Supervise public places, such as:*

- A. Public dances.
- B. Recreation parks and playgrounds.
- C. Pool halls.
- D. Motion picture houses.
- E. Other public places of amusement.
- F. Other places where juveniles congregate.

III. *Supervise the following cases:*

- A. Delinquents.
 - 1. Unconvicted and known criminals.

2. Convicted and discharged criminals.
3. Probationers and paroled prisoners.
4. Juvenile delinquents.
- B. Potential delinquents.
 1. Problem children.
 - a. School.
 - b. Neighborhood.
 - c. Welfare agencies.
 2. Handicapped children.
 - a. Physically defective.
 - b. Mentally defective.
 - c. Morally defective.
 - d. Dependent.
 3. Children of degenerate or criminal parents.
 4. Children living in unwholesome environment.
 5. Discharged or improved patients mentally ill.

IV. *Promote development of:*

- A. Community centers.
 1. Church.
 2. School.
 3. Fraternal.
 4. Recreational.
- B. Character building organizations.
 1. Boy Scouts.
 2. Camp Fire Girls.
 3. Y. M. C. A.
 4. De Molay, League of the Cross, and similar juvenile fraternal organizations.
- C. Civic betterment organizations.
 1. Parent-Teachers.
 2. Mothers' Clubs.
 3. Improvement Clubs.
 4. Business Clubs.
 5. Luncheon Clubs.
 6. Manufacturers' Associations.
 7. Musical, Art and Literary Clubs.
 8. Scientific Societies.
 9. Church Clubs.
 10. Mobilized Women Clubs.
 11. Red Cross Chapters.
 12. Women's Clubs.

D. Community betterment.

1. Community planning.
2. Parks.
3. Sidewalk area parking.
4. Playgrounds.
5. Public bathing places.
6. Library extensions.
7. Night schools.
8. Art galleries.
9. Health centers.
10. Day nurseries.
11. Welfare societies.
12. Employment bureaus (public).
13. Boulevard and public street improvement.

V. *Cooperate with Health, School and Welfare Departments by:*

- A. Acting as field probation officers, and follow-up agents when requested.
- B. Obtaining support from family when requested by aforementioned departments.
- C. Prosecuting cases when necessary, or requested by other departments.
- D. Bringing to bear upon problem children the constructive and rehabilitating forces of health, education and character building agencies.
- E. Causing undesirable aliens to be deported.
- F. Arranging for commitments of defective, dependent or delinquent persons to public institutions.
- G. Furnishing report to school and health departments, containing names and addresses of, and offenses committed by, juvenile delinquents.

VI. *Conduct educational campaign dealing with causes and prevention of delinquency, by:*

- A. Lectures.
- B. Newspaper articles.
- C. Educational films.

It will require some time and effort to work out the smooth relationship of such a bureau to the other branches of the service, as well as to the other social agencies. It will be necessary that these various experts be able to enter the bureau direct, as well

as from the "line", their appointment being based on their expert qualifications. This bureau of course would not be an end in itself but would be merely a new organization and method of approach to the great problem of crime prevention and treatment; neither does this mean that the police department would take over the functions of the social agencies or other branches of criminal justice. In this bureau, it is merely concentrating upon the very first line of approach to the problem of crime and delinquency, where it is possible to do the most effective piece of work by means of the best methods and technique that are known to-day in the field of prevention.

It is necessary that we draw from art and science all that can be practically put into use in police work. Regardless of the fact that many police officials in the field criticize many other police methods, there is to-day, nevertheless, much use of art and science in the work. Many who are unfamiliar with real police work little realize the extent to which police science has developed.

In laboratory technique, police microscopy, micro-photography, ballistic forensics, legal chemistry and physics, photography, and deception tests are all important branches which are used extensively in police work to-day. Everyone is familiar with some of the older identification systems which are finding their use even in a modern probation office, but we have gone still further and developed a handwriting classification, a single finger print, and a *modus operandi* system which, as revised by Chief August Vollmer for practical use in this country, has its value for the investigating officer of the probation office. In communication means which may be of value to the probation officer, we have the teletype and similar devices for spreading alarms simultaneously in all police precincts, telephotography for sending photographs and other pictures rapidly across the country. The radio is not only being used as a means of communication from the police station to the automobiles of officers out on the beats, as worked out in the Berkeley, California, Police Department by Officer V. A. Leonard, but also the use of broadcasting to millions of interested citizens in the case of runaway juveniles. In office methods, we are building cumulative records which can be more truly called such than ever before. We are getting more comprehensive case records of the complaint and history of the individual. Police character records are a valuable source of information of the ever shifting police

characters in the community. The use of spot maps is helping us better to visualize our problems, especially when they are correlated with those of the other social agencies. Police are also doing a great deal more survey work, which is also of great assistance.

Thus, with the greater use of a scientific approach to the problem of crime and delinquency, we can see the trend toward greater socialization of our police departments. When we obtain better quality and training of personnel in both the police and probation departments, and development of higher professional standards, the important differences of to-day will disappear. While this is being accomplished, let each group acquaint itself better with other fields besides its own, and we will then have a better understanding for cooperation. If we are to expect the rank and file to do likewise, the heads of these two important branches should take the initiative.

**SUMMARY OF ALL LAWS AND COURT DECISIONS AFFECT-
ING JUVENILE COURTS AND ADULT PROBATION
DURING THE YEAR ENDING OCTOBER 1,
1927**

FRANCIS H. HILLER, *Field Secretary,*
National Probation Association

Alabama.—(1) An Inferior Court was established for Tuscaloosa County (county seat, Tuscaloosa) with jurisdiction under the juvenile court law, with the domestic relations jurisdiction of the Probate Court, all the jurisdiction of the County Court (which is abolished), and all the civil and criminal jurisdiction exercised by justices of the peace in that county. The judge's term of office is four years, and his salary \$3,600. He must be at least twenty-five years of age, learned in law, and have been a resident of the county for at least one year. The first judge is to be appointed by the Governor, and his successors are to be elected. Juvenile and domestic relations cases are to be heard on the same day as criminal cases. The procedure in juvenile cases will be governed by the general state juvenile court law.

(2) The Domestic Relations Court of Jefferson County (Birmingham), with its two divisions and two judges, was abolished, and replaced by a Juvenile and Domestic Relations Court with one judge. The senior judge of the former court becomes judge of the latter. His term is six years, and he is appointed by the Governor.

(3) The Mobile County Juvenile Court law was amended, giving the court jurisdiction over adults charged with non-support and desertion, and over neglected and dependent children; lengthening the term of office of the judge to three years, and increasing his annual salary to \$3,000; providing for appointment of the probation officers by the county juvenile court commission (this commission also appoints the judge and the detention home employees) and fixing definitely the salaries of probation officers.

(4) The Montgomery County Juvenile Court law was amended, constituting it the Juvenile and Domestic Relations Court. The judge's salary is increased from \$2,000 to \$2,400.

The judge is to be elected by the State Senate, instead of appointed by the Governor as formerly.

Arizona.—In each of the five counties of the first class the appointment was authorized of an adult probation officer by the presiding judge of the criminal division of the Superior Court, with salary fixed by the judge not to exceed \$2,400 a year. The courts of Arizona have power to use probation for persons convicted of any offense except one punishable by death or life imprisonment, but hitherto only juvenile court probation officers or volunteers have been available for the adult probation work.

Arkansas.—The juvenile court law was amended to authorize the county judges, who have the juvenile court jurisdiction, to appoint referees in counties of 50,000 population or over to hear cases of girls and of boys under twelve. The referee must be a qualified elector of the county, and appeals may be taken to the judge. Another amendment provides that the court shall not commit dependent or neglected children to institutions or homes used for delinquent children or adult criminals.

California.—(1) The adult probation law was rewritten. It is now provided that probation may be ordered by the court without investigation by a probation officer (the law heretofore has required such investigation). The list of offenses for which probation may not be granted is simplified, and in addition, defendants are not eligible now to probation if they have ever been previously convicted of a felony. The new law also provides that in connection with probation the court may order imprisonment in the county jail, fines, reparation, placement at public work or regular employment and support of dependents; and the county supervisors are authorized to provide public work for adult probationers.

(2) The provision that on discharge probationers must be allowed to change a plea of guilty to one of not guilty, or that the court must set aside the verdict, is strengthened by making it mandatory to inform the probationers of this right when they are placed on probation.

(3) The salaries of adult probation officers are increased in the larger counties.

(4) The provision for adult probation boards of seven volunteers is extended to apply to all counties in which paid adult

probation officers are appointed. These boards nominate the adult probation officers for appointment by the judges, and work in cooperation with them.

(5) Provision is also now made for the transfer of persons on probation to courts of the same rank in other counties, such other courts to take entire jurisdiction of the cases.

(6) Another new law provides for life imprisonment of persons convicted of felony who have been twice previously convicted of certain serious offenses, and that they shall not be eligible for parole until they have served a minimum of twelve years; also that persons convicted of felony who have been three times previously convicted of felony shall be imprisoned for life and shall not be eligible for parole.

(7) A commission was created to study the entire subject of crime in California, and another commission to study juvenile delinquency in conjunction with the Bureau of Juvenile Research of the Whittier State School.

(8) The juvenile court law was amended increasing the amounts which the court may order for the support of children; also providing for the establishment of schools in detention homes. The counties were also authorized to establish custodial "adjustment schools" for the care of children under eighteen committed by the juvenile courts. Counties may unite in the establishment of such schools. They are to be managed either by the county boards of education, the juvenile court probation committees, or by specially appointed boards of trustees.

Connecticut.—(1) The juvenile court law, passed in 1921, applied only to those parts of the state in which there were city, police, town or borough courts already established. This year the law was amended to confer jurisdiction upon such courts established since 1921 or to be established. Another amendment (relating to cases of delinquent children only) conferred juvenile jurisdiction in other parts of the state upon the probate courts and justices of the peace, so that now the juvenile court law applies in all parts of the state.

(2) The remuneration of most of the probation officers in Connecticut has been on a per diem basis. This year laws were passed fixing annual salaries of probation officers in Hartford, not to exceed \$5,000; and Norwich, not to exceed \$500.

(3) An act was passed requiring the appointment of a woman probation officer in Norwalk, at a salary of \$2,000.

District of Columbia.—(1) The juvenile court regained its non-support jurisdiction, which it had lost as a result of the decision of the United States Supreme Court in the Moreland case in 1922. The non-support law was amended by re-enactment, and now omits the phrase "at hard labor" from the provisions regarding punishment. This had been held in the Moreland case to constitute the offense of non-support an "infamous crime", of which the juvenile court could not take jurisdiction.

(2) A bill to establish a juvenile and domestic relations court with chancery jurisdiction over children up to eighteen years of age, and with criminal jurisdiction in adult cases, was defeated; as was also a bill to transfer the juvenile court jurisdiction to the Supreme Court of the District of Columbia.

(3) An important decision was rendered by the Court of Appeals of the District of Columbia holding that a married woman under seventeen years of age is within the purview of the juvenile court act notwithstanding that she is legally married and to a man of full age. In the case at bar the girl was committed by the Juvenile Court to the Board of Children's Guardians on a petition alleging that she was destitute of a suitable home. It was known by the court at the time of the commitment that she was married. Later, due to her misconduct, she was brought before the court by the Board of Children's Guardians on a petition charging incorrigibility, and was committed to the National Training School for Girls during minority.

Delaware.—A law was passed increasing the salaries of probation officers appointed under the non-support law from \$1,800 to \$2,500.

Florida.—(1) Several acts were passed increasing the salaries of judges and probation officers of the juvenile courts in some of the larger counties.

(2) A State Board of Public Welfare was established, one of the employees of which is to be a Director of Child Welfare. It was provided that hereafter agencies engaged in the care of defective, dependent, neglected, or delinquent children shall not operate without a license from the State Board, and that whenever a license is granted a report shall be made to the juvenile court of the county.

Idaho.—(1) The juvenile court law was amended to make the proceedings in cases of "juvenile disorderly persons" the same as in cases of delinquent children. The proceedings in delinquency cases were also changed to provide for an investigation by the court, which appears to be in the nature of a preliminary hearing since witnesses may be summoned and the purpose is to "ascertain the degree of delinquency". If it appears to the court that the child should be committed to an institution or placed on probation, an order must be made for a later hearing to which parents must be summoned, at which the county attorney must appear and at which all testimony must be recorded.

(2) Further amendments provide that juvenile court probation officers shall investigate applications to the probate courts for county aid and mothers' pensions; and that in each county one probation officer may be appointed clerk or deputy clerk of the court.

Illinois.—In the case of *People v. Fitzgerald*, the Illinois Supreme Court held that the juvenile court has jurisdiction in the case of a child arraigned in the criminal court when the child has previously been adjudged delinquent in the juvenile court and is still within the juvenile court age.

Indiana.—A new adult probation law passed, sponsored by the National Probation Association. No change was made as to the offenses for which probation may be ordered (any felony or misdemeanor except murder, arson, burglary, rape, treason, kidnapping, and second convictions for robbery), but entirely new provisions for the appointment of probation officers and the administration of the law were enacted.* Adult probation officers may now be appointed by the judges of any of the courts having authority to use probation, and the number of the officers and their salaries (not exceeding \$2,500 a year) are fixed by the judges. Two or more courts in the same or adjacent counties may appoint probation officers jointly. Persons on probation may be transferred to the supervision of officers of other courts. A longer probation period is provided for,—not exceeding the

* Formerly no provision was made for the appointment of paid probation officers except for one woman appointed by the police departments for service in the city courts in a few of the larger cities. In the higher courts, when a sentence to prison or reformatory was suspended, the offender had to be placed under the supervision of the superintendent or warden of the institution. This has been repealed.

maximum term of possible imprisonment, or five years in any case. The court is authorized to impose any conditions of probation it may deem best.

Iowa.—The provision for the appointment of paid juvenile court probation officers was extended to include counties in which there is a state educational institution with an enrollment of at least 6,000. (This provides a paid probation officer for Johnson County, including Iowa City.) A decision of the State Supreme Court confirmed the right of the juvenile courts to place children in homes other than their own and supervise them there.

Kansas.—The juvenile court law was amended to provide that in counties of 110,000 to 130,000 (Wyandotte County, including Kansas City), three probation officers may be appointed instead of only one as formerly. Two of the officers must be women. The salaries must not exceed \$1,500 per year.

Maryland.—(1) The appointment was authorized of two additional probation officers and an additional stenographer in the Baltimore Juvenile Court.

(2) A re-enactment of the laws regarding the support of children born out of wedlock provides that the person adjudged to be the father may be placed on probation under order to make monthly payments not exceeding \$15 until the child becomes fourteen.

(3) An amendment of the adult probation law provides that persons violating the terms of their probation may be sentenced by any judge who is presiding in the court which suspended the imposition or execution of sentence.

Massachusetts.—The following acts were passed: (1) An act repealing the legislation of the year before which required the arrest by a probation officer of any person on probation to him if convicted of any offense in another court. Last year's legislation was one of the outcomes of the crime wave agitation. This year the legislature restored the discretion of the probation officers in these cases.

(2) An act requiring probation officers to inform the clerk of the court of a previous record for felony of any person who is indicted for a second felony. This was a perfecting change in the law that requires the reference of all such persons to the

Department of Mental Diseases for examination. This law, which is regarded as a long step forward in bringing about mental examinations of criminals, was not wholly effective because clerks of courts, who are required to notify the Department of Mental Diseases, would not, in many instances, have the knowledge that the person was for the second time charged with a felony. The probation officers have all such records and can inform the clerk, making it certain that the law will become universally effective.

(3) An act extending the right to appeal in juvenile delinquency cases. Formerly, an appeal had to be made from the adjudication and by the person adjudged delinquent. The amendment gives the additional right to appeal after what is called "sentence" is made by the court, and also gives to the parents or guardians of the children the right to appeal. This act does not make a serious change, as practically all the courts gave opportunities for appeal that are included in the measure.

(4) An act rising the limit of expenses of probation officers in the district courts from \$200 to \$300. This is the item that permits travel by probation officers in the pursuance of their duties and will have value in making possible the return of defaulters, especially in domestic relations cases.

There were a number of proposed measures affecting the probation service somewhat adversely, although none of them was radical. All of these were defeated.

The only Supreme Court decision during the year was on the issue of approval of the salary of a probation officer by a county government. In this case the Supreme Court held that when a salary was once established by the judge and approved by the county government, subsequent appointments of probation officers could be made at the same salary without submitting it to the approval of the county government.

Michigan.—(1) The juvenile courts were given jurisdiction of "wayward minors", defined as persons between the ages of seventeen and twenty-one who are habitually addicted to the use of drugs or the intemperate use of intoxicating liquors, who habitually associate with criminal, dissolute or disorderly persons, or who are wilfully disobedient or idle. The jurisdiction of the court over children had previously been limited to those under seventeen years of age. The proceedings in cases of "wayward minors" are to be the same as those in cases of delinquent

children, i.e., not criminal. The provisions regarding jail detention of younger children, however, do not apply to "wayward minors", and they may not be detained in or committed to any institution where delinquent children are held.

(2) The adult probation law was amended. Previously the court had power to place on probation persons convicted of any offense except murder or treason. To the list of excepted cases are now added robbery while armed, breaking and entering an occupied dwelling in the night time, and felony cases in which the defendant has been previously convicted of a felony. (Non-support is classified as a misdemeanor in Michigan.)

(3) The provision for the removal of probation officers by the Governor on certification of the circuit courts was changed so that the certification of incompetency, misconduct or neglect of duties is now made by the judges of the courts in which the probation officers have been acting.

(4) Laws similar to the so-called Baumes Laws of New York were passed providing that persons convicted of a felony for the third time must be given increased sentences, and that persons convicted for the fourth time of a felony must be sentenced to life imprisonment. Offenders sentenced under any of these provisions are not eligible to parole before the expiration of the minimum term fixed by the judge, without the written consent of the court.

Minnesota.—The juvenile court law was amended in several particulars:

(1) Giving jurisdiction to the probate courts in all ten counties of the 7th judicial district instead of the district courts, as formerly.

(2) Providing that any case may be transferred from the court of one county to that of another when the child resides in such other county.

(3) Providing that when a child has been adjudged more than once (formerly this read more than twice) to be delinquent, this shall be presumptive evidence that the parents or guardian are responsible for his delinquency.

(4) Giving the juvenile courts the right to retain jurisdiction over children until they become nineteen years of age. (The age limit for these courts' acquiring jurisdiction in Minnesota is eighteen.)

Missouri.—(1) The legislature authorized the appointment of probation officers (called parole officers) by the judges of the Court of Criminal Correction of St. Louis on the basis of merit after competitive examination. The number and salaries of the officers are to be determined by the judges, subject to approval by the City Board of Estimate and Apportionment.

(2) The juvenile court law was amended so as to provide that in all counties the courts having jurisdiction may dismiss any petition of delinquency and permit the delinquent child to be prosecuted under the general law; also that any application to a court of general criminal jurisdiction for transfer of the case of a delinquent child to a juvenile court may be denied in the discretion of the judge.

New Jersey.—A commission of seven persons to be named by the Governor, and to be known as the Juvenile and Probation Study Commission, was created to study the probation laws, the operation of the probation system and also "as to whether the use of probation officers would be of service to the Court of Chancery in the adjudication of separation and divorce proceedings". The commission has been appointed and has begun work.

New York.—(1) A Division of Criminal Identification Records and Statistics was established in the Department of Correction.

(2) The Code of Criminal Procedure was amended to provide that "before rendering judgment or pronouncing sentence the court shall cause the defendant's previous criminal record to be submitted to it, including any reports that may have been made of mental, psychiatric or physical examination of such person, and may seek any information that will aid the court in determining the proper treatment of such defendant".

(3) A bill failed of passage in both Houses which would have prohibited the use of probation in cases of arson, burglary, rape, first degree robbery, kidnapping, compulsory prostitution, and second convictions for certain offenses. As heretofore, adult probation may be used in New York State in the discretion of the court in cases of any offense not punishable by death or life imprisonment nor committed with use of a deadly weapon.

(4) The law providing for children's courts in all the counties of the state was amended in several particulars. The powers of

the court over adults in non-support cases were strengthened. The section providing that the judges of juvenile courts must be attorneys except in Hamilton County was amended to except also persons not attorneys already serving as judges. This amendment applies to only one county, in which the judge is a woman who is not an attorney.

(5) The salaries of the six justices of the Children's Court of New York City were increased from \$12,000 to \$18,000 for the presiding justice, and to \$17,500 for the five associate justices.

(6) Court decisions held that the children's courts do not have jurisdiction of the crime of neglecting to provide for children under sixteen under the law regarding contributing to the delinquency, neglect or dependency of minors, "especially where it does not appear that the children are delinquent or neglected". Another decision held that the children's courts do not have general jurisdiction over children and cannot, therefore, transfer the custody of children on the ground that to do so would benefit their general welfare, unless it is shown that the children are neglected within the meaning of the statute.

Ohio.—(1) Domestic Relations Courts having jurisdiction over divorce and juvenile matters were established for Stark and Franklin Counties (including the cities of Canton and Columbus).

(2) An opinion of the Attorney General held that it is not lawful to unite existing probation departments of juvenile courts with the adult probation departments of the counties. Such mergers, however, may be accomplished by the juvenile courts' omitting to appoint probation officers, in which event the duties of the adult probation departments in such counties will under the law include juvenile probation work.

Oregon.—(1) The law was amended to provide that the juvenile courts shall retain jurisdiction of delinquent girls committed to institutions until they reach the age of twenty-one, unless they are sooner paroled.

South Carolina.—A children's court was established for Greenville County, with concurrent jurisdiction with the county and circuit courts over children under sixteen who are delinquent, neglected, dependent, or mentally defective or diseased, or whose custody is in controversy, and over adults contributing to

their delinquency or dependency. The judge is appointed by the Governor for a term of two years, on recommendation of the Greenville County legislative delegation, and is to be paid such salary as the delegation may provide.

Texas.—(1) The juvenile court law was amended increasing the salaries of probation officers in some counties and changing the classifications of counties for the purpose of appointing probation officers, so that now at least one paid probation officer may be appointed in any county in the state. Attendance officers may be appointed. County juvenile boards must concur in the appointments, and in the larger counties the judge must appoint from a list of three furnished by the board.

(2) Another amendment strengthens the provision against the incarceration of children in jails or lock-ups and makes it mandatory for detention quarters for children to be provided in all counties with a population of over 50,000. (The corresponding provision previously applied only to counties of more than 100,000.) The act states that "in many counties of this state delinquent children are frequently placed in the same jail and often in the same cell with habitual criminals".

Virginia.—An important court decision upholds the right of the juvenile and domestic relations courts to punish adults for contempt who fail to produce children in accordance with the orders of the court without reasonable excuse. The court states that "it was clear that she (the mother) concealed the children so that the officers of the court neither could find nor take them in custody, and she persistently refused to produce them in accordance with the requirements. . . . That she had been guilty of a flagrant contempt of the court and the statute was apparent. Statutes creating juvenile and domestic relations courts seem to have been generally upheld."

West Virginia.—An act was passed giving criminal courts of original jurisdiction, except courts of justices of the peace, power to place adults on probation with suspension of either imposition or execution of sentence, when convicted of or pleading guilty to any misdemeanor. The sheriff of each county is made the probation officer. The statute includes detailed provisions as to the duties of the probation officers, the conditions of probation,

including fines, restitution and support, and concerning revocation of probation. It also provides that persons convicted in justices' courts may petition for probation to the court to which an appeal would lie. An older law gives all criminal courts the right to place minors on probation who are convicted of any but capital offenses; but it makes no provision for probation officers, and has been very little used.

REPORT OF THE JOINT COMMITTEE ON DOMESTIC RELATIONS COURTS

JOHN S. BRADWAY, *Secretary, National Association
of Legal Aid Organizations*

Editor's note: A committee to study domestic relations courts was appointed jointly by the National Probation Association and the National Association of Legal Aid Societies in 1926, with Miss Mary E. McChristie, Referee of the Cincinnati Domestic Relations Court, as Chairman.

Questionnaires were prepared by Mr. Bradway, a member of the Committee, in cooperation with the staff of the National Probation Association, and sent to the main court centers of the country, the returns forming the basis on which Mr. Bradway compiled the accompanying interesting report.

Introduction

The following observations are the product of a group of persons working on the subject from different points of view. The National Probation Association has had a Committee on Domestic Relations Courts for ten years. It approaches the problem from the angle of the social worker who desires to see in the domestic relations court a piece of socialized legal machinery. The National Desertion Bureau has also had this matter under consideration for some time. It approaches the problem from the angle of the social worker interested in the deserting husband. The National Association of Legal Aid Organizations has had a Committee on Domestic Relations Courts for several years, looking at it from the angle of the lawyer.

In 1925 the National Probation Association issued a valuable "Standard Juvenile Court Law". At the same time the United States Children's Bureau started a study of the laws of the various states with reference particularly to juvenile courts. In 1926 the National Association of Legal Aid Organizations issued a draft of a model law for the establishment of domestic relations courts.

It was believed that the juvenile court problem was intimately related to the family problem in the courts. It appeared that some action was necessary to create interest in a study of the adult family problems before the court, so the draft of the law appeared solely for the purpose of raising discussion.

Discussion followed and at a meeting of the National Probation Association at Cleveland in 1926 it was decided that a small committee consisting of representatives of the National Probation Association, the National Desertion Bureau and the National Association of Legal Aid Organizations be formed to study the fundamentals of the problem of adult domestic difficulties in their relation to law. It was hoped that the result would be a statement of fundamental principles upon which a family court might be built.

The following observations are the result. Officially they are the work of the National Probation Association and the National Association of Legal Aid Organizations. The Children's Bureau has occupied the position of an observer.

The Purpose of the Work of the Committee.

After several conferences we agreed that the committee should endeavor to gather material to aid it in an attempt to answer the following questions:

I. What is the extent of the need, if any, for the establishment of domestic relations courts?

II. Granting that there may be a need in a given community, over what classes of family problems should such a court have jurisdiction?

III. Assuming that a group of persons in a given community contemplate the establishment of such a court, are there any constitutional provisions in the state constitutions which must be avoided in drawing the text of a law establishing the court?

IV. With what groups, if any, in a given community would the work of a domestic relations court likely be involved,—if we may judge from the experience of existing domestic relations courts?

V. With what special procedural powers, if any, should such a court be invested,—if again we may judge from the experience of existing domestic relations courts?

The Method of Procedure.

The committee realized the difficulty of gathering material on these subjects. It believed that a mere expression of personal opinion for or against a domestic relations court was of less value than a set of figures showing the extent to which the members of an average community made use of the existing agencies to

settle domestic problems. We believed that the problem might be approached by considering the existing machinery and its defects, if any. In other words, our desire was not to start with the hypothesis that everything was wrong, that we must tear up the old and put in something entirely new. Our effort has been to gather as many facts as we could upon certain specific points and then to be guided by those facts in reaching our conclusions.

Our tentative hypothesis then developed along five lines:

(a) Whether or not the fact that jurisdiction over domestic relations problems was at present divided among several courts made it harder for the individual to secure justice in a given case.

(b) Whether or not the courts which handled domestic relations problems had adequate power to compel the attendance of all the parties in interest.

(c) Whether or not the courts which handled domestic relations problems had adequate means to get at all the facts in the case.

(d) Whether or not the courts which handled domestic relations problems are in a position to study the problem of domestic relations apart from the individual case and thus do preventive work or act as a laboratory for determining in advance causes and remedies.

(e) Whether or not the attitude of the court is directed to the individual and his rights or to the family of the individual and its rights as the main purpose of its existence.

To develop this in part at least we sent out a questionnaire to 125 communities, both those that have and those that do not have domestic relations courts.

The digest of the information contained in the replies to the questionnaire is included in the balance of the report. It is clear that we need much more information. Further study should be made of all those subjects.

The General Problem.

We see our problem as that of devising adequate legal machinery to care for adult problems in the family.

For the purpose of consideration, we have divided the subject into:

I. General consideration of the nature and extent of the problem.

- II. Our proposal as to the remedy.
- III. The type of cases to be handled.
- IV. The method of handling the problems as they appear.
- V. Some general objections to the idea.
- VI. Conclusion.

I. GENERAL CONSIDERATION OF THE NATURE AND EXTENT OF THE PROBLEM

We will take this up under the following headings:

- (a) The nature of the problem.
- (b) The extent of the problem.
- (c) The existing machinery.
- (d) The inadequacy of the existing machinery.

(a) The Nature of the Problem.

Our problem deals with the family. To-day we have reached a position in our social and political thinking in which the family as a unit is regarded as the basis of civilization. The individual and his rights have long been the subject of legal provision. The corporation, the trust estate, the state itself are all entities well known to the law, with rights and obligations.

The family, as an entity, has received scant consideration. It has been taken for granted. This is a mistake. By failing to recognize the dangers that beset the family we have permitted conditions of unrest to continue, which have resulted in the breaking up of many families with a consequent demoralizing effect upon society.

We are concerned here with the problems that may, or must, be disposed of by law. In this we include inquiry into how a family problem may be taken hold of forcibly and yet in accordance with the law. It is clear that there are at least three ways of attacking family problems: by education in the schools and elsewhere; by friendly adjustment outside of court; by court procedure.

While we do not take for granted the matter of education and friendly adjustment, we are concerned mainly with the problems which in the last analysis admit of no other solution than that afforded by the law.

In fact, the knowledge requisite for education and friendly adjustment may be developed through the material brought to light in the cases which the law handles.

This is a basic problem in civilization. We are trying to see its elements in terms of the broken family, so as to know how to keep families from breaking up. From a study of the facts may come a new philosophy of the family which will take into account its growth and decay as significant parts of our social system.

Our immediate purpose is to provide machinery to cope with the home that is broken or about to break, and adjust it and the members of the family in accordance with the best interests of themselves and the community.

(b) The Extent of the Problem.

We know from the newspapers and from articles, addresses, books and moving pictures, that divorces are common occurrences. The divorce is the final legal break of the family. The loss to our civilization through divorce is incalculable. It is comparable to the death of an individual, or the dissolution of a corporation. It is the social decease of a family. Whether we approve of divorce in the particular case or not, we recognize the blighting effect on family life.

Back of the divorce, however, lie the real problems. The courts decree a separation only when other matters of discord have already developed to such an extent that the law allows the separation. The committee is also interested in conditions which may grow into a divorce. Disagreements, desire for separate support, desertion, abandonment, non-support lie in this field. Back of this again is the failure of husband and wife, parent and child, brother and sister to know the meaning and importance of lack of understanding on the part of members of families of the obligations which they owe to the family. Too much is said about the rights of the individual and too little about his duties to this immediate group of which he is a member by birth or marriage.

We expect a family to produce certain ideals of citizenship and right living, in order to justify its existence in the body politic. If a family fails to do its duty it may be the responsibility of the state to look into the matter.

The state is interested in the quality of its citizens more than in any other one thing, because upon that quality depends its future. The family is the primary agency for producing and training citizens. The family is touched with a public interest. It is no longer a matter of purely personal concern.

The questionnaires indicate the following situation in so far as answers were received:

Community	Approximate population		Total domestic cases in the courts in 1926 ¹	Proportion of broken homes to marriages
	1927	1926		
Montgomery Co., Ohio	210,000	2,151	1,286	1 in 2
Jackson Co., Mo.	427,784	5,317	4,422	2 in 3
Omaha, Neb.	250,000	1,693	1,055	2 in 3
Duluth, Minn.	115,000	1,396	386	1 in 4
Minneapolis	434,000	5,226	1,464	1 in 5
Shawnee Co., Kansas	76,000	950	540	1 in 2
Baltimore	800,000	7,529	2,269	1 in 3
Franklin Co., Ohio	370,000	3,702	1,772	1 in 2
Stark Co., Ohio	215,000	1,979	43	1 in 45
Chicago	3,053,000	42,323	12,084	1 in 3
St. Joseph's Co., Ind.	140,000	2,333	1,365	1 in 2
Richmond, Va.	190,000	1,953	1,074	1 in 2
Milwaukee	578,000	5,442	1,109	1 in 5

¹ Including divorce, annulment, legal separation, non-support, desertion.

Certain observations are necessary in connection with this table:

1. It covers nine different states.
2. It is a cross section of communities from the size of Chicago to Shawnee County, Kansas.
3. It is a conservative list. The cases listed in the fourth column are a minimum. In many instances the court records were not available to determine such matters as desertions and separations of which presumably there are a large number in every community.
4. The absolute accuracy of each figure is unimportant as it is the general situation we are endeavoring to discover.

The two most striking facts are:

(a) That out of 125 questionnaires sent out only 9 replies gave the figures. In all the other cases the records were not available or would take too much time to locate.

(b) If this situation is typical, and we know no reason to the contrary, we may expect to find in a given community in a given year, for every five new marriages at least one home so badly broken that the case is in court. We must remember that certain families will repeat in court, but the table indicates that the extent of the breaking up of families is more nearly 1 in 2 than 1 in 5. So there is a fair leeway for the family continually before the courts.

It is evident from the above that we do not have accurate methods of discovering the extent of the family problem in America to-day. It is also evident that from such figures as we have been able to gather, the situation is alarming.

While we are not perhaps faced with wholesale destruction of family life, yet the situation is serious enough to cause thinking persons to ask what is the trouble with the whole arrangement, and what is to be done about it.

We must admit that we do not know the facts about the family problem. We have no machinery with which to discover them. To find the facts we must set up machinery which will develop them for us. After we have them, the remedy will be easier to reach.

When we speak of remedies and facts we are immediately brought to a consideration of the extent to which the law has already taken the matter in hand and the extent to which the existing machinery fails to reach the desired result.

A second set of questions related to the amount of money collected in a given year through the courts in connection with domestic problems.

Community	Collections—1926	Population—1927
Utica, N. Y.	\$27,711	197,000
Jackson Co., Missouri.	70,397	427,784
Mercer Co., N. J.	25,194	182,000
Minneapolis, Minn.	93,187	434,000
Portland, Me.	8,309	75,000
Baltimore, Md.	444,044	800,000
Norfolk, Va.	90,000	170,000
Stark Co., Ohio.	14,508	215,000
Omaha, Neb.	141,658	250,000
Duluth, Minn.	9,039	115,000
Shawnee Co., Kansas.	50,000	76,000
Franklin Co., Ohio.	189,800	370,000
Polk Co., Iowa.	94,300	165,000
Marion Co., Ind.	64,400	400,000
Cook Co., Ill.	213,400	3,053,000
Union Co., N. J.	2,104	200,000
Richmond, Va.	142,900	190,000
Milwaukee, Wis.	748,600	578,000

These figures are not so striking as those relating to the cases which arise. They indicate, perhaps, that the financial problem is far from being the only one. At the same time they make it clear that the machinery of the courts forces many men to contribute to the support of their families.

(c) The Existing Machinery.

Certain outstanding problems in family matters have existed for such a long time that legal provision has been made for handling them. But again we admit that there is at present no adequate compilation of the laws and decisions of the various courts on family matters which would make possible an exhaustive study of the existing machinery. Certain problems stand out such as

- (1) Divorce
- (2) Non-support
- (3) Guardianship

Divorce is a legal remedy directed to alleviate the position of a married person whose spouse has done certain acts which the law declares to be so bad that a marriage should no longer continue. There is in law little to divorce other than a compliance with rules. If certain acts can be proven a divorce follows automatically irrespective in a large measure of whether the family and the community will or will not suffer from such action. Enough has been written on this subject to make it clear that it is one way of coping with certain outstanding family problems among which may be listed—adultery, desertion, cruel and barbarous treatment, indignities to the person and so forth. In some states incompatibility is a cause for divorce.

Non-support proceedings are based often on an economy program. If a man marries a woman, it is cheaper to the state to have him support her than to have her live at public expense in the poorhouse. In such cases there is no divorce, but the problem of the poverty-stricken deserted wife is aimed at. In most states there is a proceeding to compel a husband to support his wife. No one questions the need for this machinery.

Guardianship is necessary for persons who cannot, in the eye of the law, look out for themselves. To date, the law has named several classes of people who require this disposition—minors, insane and feeble-minded persons, habitual drunkards. The procedure is to appoint guardians and to have these guardians care for the estates.

It thus appears that in certain outstanding respects the law has taken hold of family problems and has endeavored to solve them, or to provide machinery for solving them. Consequently, our effort at a family court is thoroughly in accord with established practice in legal circles.

One is tempted to ask why new legal machinery is necessary. This is the subject of our next section.

(d) The Limitations of the Existing Machinery.

In general, it may be said that there are two serious limitations in the existing legal machinery. The first of these is the failure to have regard for the family and the interests of the family as a legal entity. The individual judges who handle the work usually do have this point of view. But the machinery is based on the rights of the individual, the convenience of the state, or the desire to facilitate the transmission of property.

The second of the limitations is the spotty nature of the remedy. Instead of taking a family problem as a whole and treating it for the benefit of the community, certain portions and only certain portions are considered. The rest are left untouched. Little effort is made in some cases, for instance, to see what causes adultery, or cruel and barbarous treatment. In a divorce the parties are often free to remarry and repeat the adultery or the cruel and barbarous treatment.

No constructive work is possible unless the law directs its attention to the removal of the causes which break up families. Without this, we may go on for a million years without any improvement in the family situation.

Certain detailed limitations of the machinery in grappling with the problem are obvious.

- (1) The jurisdiction is scattered among various courts.
- (2) The jurisdiction is limited by lack of power in the court to obtain the presence of the parties.
- (3) The court is embarrassed by not being able to get at the full facts.
- (4) Those who work at the cases are unable to get the reasons which underlie the whole work.
- (5) The machinery is aimed to cover the individual, but not the family of which he is a part.

(1) The Scattered Jurisdiction.

In Philadelphia, if a woman wants a divorce, she goes to the Court of Common Pleas. If she wants custody of a child, she goes to the Juvenile Court. If she wants support from her husband, she goes to the Domestic Relations Court. If she wants to adopt a child, or to appoint a guardian of her child, she goes to the Orphans' Court.

In each case, there is a different judge, a different set of clerks, a new set of records. If she has an attorney, she must pay him a fee for his services in each court, besides which, much time is wasted.

That is the situation in a community where conditions are better than the average.

Other defects are apparent. There is a waste of money and time to the state in carrying on a separate system of courts and court officers for each of these types of family problem. There is an undue confusion in the mind of the citizen as to where he should go and what court has jurisdiction of his case. Besides, as indicated above, he too spends an unnecessary amount of money and time.

For a person without money a divorce in Philadelphia is impossible. It is a luxury which can be attained only upon the payment of \$300 or more. The individual cannot make the law work on his account without the special knowledge of a lawyer.

Take for instance the chaotic condition existing in New York City. "Under our practice", it is reported, "the deserted wife cannot bring her case to a single court where her complaint may be acted upon in toto. Thus, for instance, if her husband supports the family, but beats his wife, that court has no power to act in the matter but she must make her complaint to a local magistrate. She is not likely to find relief even there as magistrates are loath to take action upon such charges and complainants are usually sent back to the family court although, as stated, these courts have no power in the matter. If, as a result of the husband's neglect, a problem of juvenile delinquency presents itself, our hypothetical complainant must repair to the Children's Court. If friend husband should take a notion to go across the river to Hoboken and fail to contribute towards the support of his family, none of the courts mentioned can do anything in the matter and the poor wife would have to file a complaint with the District Attorney which, if and when acted upon might result in the indictment and extradition of the offender, but it would be the Court of General Sessions which would then have jurisdiction in the case. If our applicant is desirous of compelling her brow-beating husband to leave the home, it is to the Supreme Court that she is compelled to go to seek a separation, or divorce or custody of her children. One can easily visualize the perplexing anomalies of such a situation."

The answers to the questionnaire are very complete on this

point. It is clear that the convenience of the litigant is often of little concern. The committee conceives it to be a difficult situation for a wife, deserted by her husband, with several small children, without money, bewildered by the tragedy which has befallen her and totally unacquainted with the law, to face the technical problem as to which of some half dozen courts she shall go to to obtain relief.

The figures are as follows:

Community	Number of courts among which jurisdiction in various domestic relations problems is divided
Clark County, Ill.	4
Jackson County, Mo.	4
Jackson County, Mich.	2
Minneapolis, Minn.	5
Tulsa, Okla.	2
Baltimore, Md.	8
Utica, N. Y.	5
Stark County, Ohio.	4
Mercer County, N. J.	6
New York City.	5
King's County, Wash.	3
Montgomery County, Ohio.	6
Portland, Me.	3
Norfolk, Va.	5
Omaha, Neb.	3
Duluth, Minn.	5
Shawnee County, Kansas.	3
Franklin County, Ohio.	4
Polk County, Iowa.	3
Marion County, Ind.	8
Grand Rapids, Mich.	6
Boston, Mass.	5
Cook County, Ill.	5
Union County, N. J.	6
St. Joseph's County, Ind.	5
Richmond, Va.	5
Providence, R. I.	3
Milwaukee, Wis.	4

(2) *Limitations on the Powers of the Courts.*

It is quite clear that unless a court can secure the attendance of the parties to a controversy there are limitations on its power to render a just decision. In family problems the attendance of the most important members of the family is often impossible. Where a husband deserts and cannot be brought back, the case must be determined on the testimony of the wife and this may not properly dispose of the issue.

It is expensive to bring the husband back. Many poor wives cannot afford it. So they lose his support. In some states there is no law which enables the court to force a husband to return

once he is over the state line. In such cases a premium is placed on running away.

A further problem in this field is the value of a court order on a man to support his wife. The courts are full of cases where the husband does not comply with the court order but departs to another state or simply refuses to work. In such event, the legal remedy is technically valid but practically of no effect.

The community does not benefit from such cases. The expense of maintaining the court is far in excess of the results obtained. In some cases no effort is made to find out the root of the trouble. The family is not aided. There grows up a feeling among men that they may violate the law with impunity. This is productive of disrespect for all law—a most pernicious condition.

Yet under the existing machinery in many cases nothing better can be done. This would not cause alarm if it did not appear that no one is making a serious effort to improve the situation. It is unthinkable that no attempt should be made to clear up the matter.

(3) The Inability of the Courts to Get the Full Facts.

The full facts about a family situation are not only the knowledge that there is a row. Back of that lie the reasons for the row. To treat the row as the sole element is as sensible as to expect a physician to treat a boil when the patient's body requires careful examination for the cause which creates the boil.

There are few judges who themselves have the time to make a complete investigation of cases coming before them. The investigation must be made for them.

The lawyers who represent the parties to a legal proceeding usually make investigations of fact and then present evidence. In family matters such investigation is open to at least two objections: it is contentious, whereas the family should not be urged to contend but to settle its affairs quietly; it is directed toward certain legal consequences such as divorce, non-support, guardianship, which are rights of individuals, and only incidentally is it concerned with the social causes or consequences to the family.

In recent times we find probation officers, medical and psychiatric experts, investigators of various sorts probing into the facts to learn the causes of trouble in an individual. A court which endeavors to dispose of family problems without the most com-

plete aid from all persons who can give it, experts as well as laymen, is playing the familiar rôle of ostrich—hiding its eyes from the real causes of the trouble.

Few divorce courts have this extensive machinery for obtaining all the information. Few courts that are concerned with non-support problems are interested or have machinery to enable them to see to the causes of non-support. Courts for appointing guardians for feebleminded persons are not equipped to see why they became feebleminded, or what is to be done to prevent more and more persons from becoming feebleminded.

The reason for this is the angle from which the legal machinery approaches the cases. The divorce court is concerned mainly with the question as to whether the legal requirements have been met. The social consequences are matters of comparatively recent concern. To meet the family problem as we now see it, we must readjust our point of view. We need new facts that we did not think of a hundred years ago, and to secure them we need new machinery.

(4) Inadequacy in Determining the Underlying Causes.

Human nature, if it is to be studied properly, requires a laboratory, just as chemistry, physics, biology, require laboratories. The fundamentals of the problems of family dissolution are not on the surface and are only discovered after long search and research.

It is not enough to know the facts of each case. We may go on forever patching up families only to have them fall to pieces. Remedial work is an endless job. An ounce of prevention is worth a pound of cure. Yet the knowledge which makes prevention possible comes mainly from careful, intelligent searching of the accumulated facts of many family catastrophes.

The existing courts in many communities have no method of using the facts of present cases to help prevent other similar cases from arising. It is difficult, if not impossible, to gather anywhere else than in a family court the knowledge as to the causes of family break-up. If the facts are adequately collected and studied, we have a source of wonderful, preventive work along educational lines.

Our present divorce courts and non-support courts do not make use of the material they secure. This is a wastefulness which in an industrial establishment might be the cause of financial ruin. The by-products are always to be preserved and

used wherever possible. We should expect the by-products of our courts also to be used.

(5) Inadequacy of the Litigious Method of Procedure.

Present day court machinery is too often adapted only to a contest between two parties. Where the jurisdiction of the court is criminal the state prosecutes the man or the woman for a breach of the laws. Where the procedure is civil there are two contending parties, the one seeking to make the other do something.

Historically all our Anglo-Saxon procedure is based on this ideal of a contest under rules.

In domestic problems, however, the whole purpose of a proceeding is a readjustment of family matters that are out of gear. A contest by its very nature intensifies the family trouble. A verdict of a court between litigants, while efficacious in matters of property and human liberty, is nevertheless not adapted to dealing with the human equation in a family.

A contentious procedure tends to make decisions in favor of one party and against the other—to declare one litigant in the right and the other in the wrong. When a family problem is presented we are not concerned with whether the husband is right or wrong. We are concerned with the fact that the breaking up of the family is threatened. If the family breaks up, our civilization has lost something which is not compensated for by the knowledge that the husband was wrong. Of what value is it to the state to declare a million husbands wrong if at the same time we permit a million homes to be broken up for want of attention?

A court in such matters should view the problem as a physician views a patient. He is there to cure the patient—not to cut off an arm or leg because that particular limb was in the right or in the wrong. Unless this attitude is present in a family court, we can hope for little in the way of solution to our problem.

This brings us to the next stage of the report. We have considered the defects in our existing legal machinery. We must now propose a remedy for them.

II. OUR PROPOSAL AS TO A REMEDY

To remedy the problem suggested in the earlier portions of this report we urge the establishment of a family or domestic

relations court. This does not take us far unless we define the nature of our remedy. A domestic relations court is of value only if properly fitted to the problem for which it is the remedy.

The purpose of this section of the report is to discuss the various elements of such a court. We will consider in this section

- (a) The remedy for a scattered jurisdiction
- (b) The remedy for inability to bring the parties to the court
- (c) The remedy for inability to obtain the facts
- (d) The remedy for inability to obtain preventive measures
- (e) The remedy in the machinery, or in the way of looking at the case

The remaining two sections of the report will then take up details of the machinery and the method of handling a case when such a court is established.

(a) The Remedy for a Scattered Jurisdiction.

It appears clearly that a specific court for a specific problem is no novelty in our modern jurisprudence any more than it was in the past. As problems arise court machinery necessarily is readjusted, or newly constructed to meet the demand.

Delay, court costs, inadequacy of control over the case arise from a scattered jurisdiction. The remedy is the same as has been used in workmen's compensation cases, juvenile cases, small claims, etc., etc. We need a specific court agency equipped to handle this task. Such an agency we may well hold responsible for the family development in the community. But we must see to it that it has the tools to handle the problem and that the problem comes to it as a unit and not as an isolated sector of one.

The extent of the jurisdiction is considered hereafter.

Such specialized courts are well known in Anglo-Saxon jurisprudence. We call to mind the Court of Star Chamber, the admiralty courts, the small claims courts, and others in England. In the United States, conciliation and arbitration courts, small claims courts and domestic relations courts all by their names relate to a specific problem which each is designed to handle. There is no novelty in this concentration to enable a court to cope with a particular problem. In common law courts the point of view is to provide a machinery to enable an individual to assert his rights. Where we have a family problem the rights of the family must be protected.

(b) The Remedy for Inability to Bring the Parties to the Court.

The ordinary equipment of sheriffs and constables suffices to bring into court many litigants who have no desire to roam. For the others more constructive machinery is necessary.

A remedy for this appears to be a federal desertion act which may embrace cases where the husband moves from one state to another and may permit a proper investigation of the case and determination thereof without expense to the deserted wife and children.

It may not be necessary to bring a man away from his work to support his wife. But it should be quite possible to make an order on him that would be enforceable wherever he was, requiring support to be paid.

Most evidence before family courts is the result of investigation made ex parte and contained in written reports. These reports and copies thereof may be sent back and forth much less expensively than under the present system where court officers must make the trip.

To this should be added in each state an extradition procedure which should enable every family court to bring back people to the state in which the proceeding is being initiated, if their attendance is necessary.

(c) The Remedy for Inability to Obtain the Facts.

At the present time there are various agencies working with the courts that help to gather the facts. Among these may be mentioned

Social Welfare Agencies, public and private
Probation Officers
Legal Aid Societies
Medical Clinics
Psychiatric Clinics

These and kindred agencies should be closely allied to the court so that it may have the fullest knowledge of the problem with which it is to deal in every case.

The extent to which the court may have access to the records of such agencies is an interesting problem to be worked out in each particular case. But there should be a coördinating element in each community to gather these data and make them available for family treatment.

(d) The Remedy for Inability to Obtain Preventive Measures.

The remedy here is a good statistical department attached to the court. Such a department should make elaborate studies of all the facts, arrange them in order for study and then proceed to work out from them various preventives.

Thus the mistakes of families to-day may be made the stepping stones to a better family life of to-morrow.

The facts may be used to develop new agencies to work with the courts, for new legislation, for education. While the facts of each case should be safeguarded, the facts of all the cases together should have wide-spread publicity.

(e) The Remedy as to the Machinery.

To make the family rather than the individual the focal point of this court we should have in mind that equity procedure is the best adapted to our purpose. Yet with it should be coupled criminal powers so that, in a proper case, jurisdiction of the court over the parties may be plenary.

In the last analysis the problem of satisfactorily handling cases is one of education of the personnel. Without that the court will be in a very bad way.

A more specific consideration of this subject will occupy Part IV of this study.

Here we may merely emphasize the purpose of the court as being the diagnosis and treatment of family problems. The individual's legal rights are not to be given exclusive attention. The question of the development of each family to a degree of normality is to be kept always to the front. What is best for the family should be the test just as in juvenile courts the cry is "Whatever is best for the child".

We now pass to the two sections dealing with the detailed portion of the work of such a court. The first of these is its jurisdiction, and the second, its method of doing business.

III. THE TYPES OF CASES TO BE HANDLED

It is clear that a domestic relations court should have control over family problems. What are domestic relations problems? The National Association of Legal Aid Organizations has developed a standard classification which will indicate the nature of these types.

Annulment
 Divorce
 Separation
 Desertion (abandonment)
 Non-support
 Alimony
 Married Persons' Property

Before considering these in detail let us take up the preliminary consideration.

The questionnaire requested information as to the topics which such a court should not handle. The following subjects were regarded by those who answered as not proper for a domestic relations court to handle:

Subject	Number of replies in negative.
(a) Married women's property.....	5
(b) Marriage.....	2
(c) Divorce.....	4
(d) Annulment.....	4
(e) Legal separation.....	1
(f) Desertion, abandonment.....	3
(g) Alimony.....	1
(h) Breach of peace between husband and wife.....	4
(i) Adoption.....	2
(j) Juvenile insanity and feeble mindedness.....	5
(k) Guardianship.....	3
(l) Illegitimacy.....	1
(m) Juvenile delinquency, neglect, dependency.....	3
(n) Employment of minors.....	2

With the above exceptions, the replies favored giving the domestic relations court jurisdiction in all the subjects indicated.

As most of the agencies answering approve this broad jurisdiction, we believe it well to discuss each question briefly, giving our reasons in favor of each such jurisdiction.

(a) Shall a domestic relations court have jurisdiction over marriage itself?

It should, because marriage is the foundation of the family relationship. A careful study of persons about to marry might reveal many conditions which could be remedied in advance, and might even result in some persons not marrying.

A license is a prerequisite to marriage except in states where a common law marriage is recognized. The license is granted as a result of some sort of a survey which in practice is often of no value at all in preventing improper marriages.

By making the survey of real value, much will be accomplished even though some persons will insist on their common law rights.

Unless the court is responsible for marriages it cannot be held responsible for the resultant domestic difficulties.

(b) Shall a domestic relations court have jurisdiction over annulment, divorce and separation?

If the court is to control the entrance into the marriage status it should also control the breaking of marriage, including the disposition of property jointly owned by the husband and wife.

It seems clear that there will be cases in which the family ought not to remain together. One can picture a respectable woman with several children trying to support them while her worthless husband refuses to aid, declining to work for fear the money he earns will go to his wife and children. Such a woman may be able to re-marry a self-respecting man who in return for the home will support the wife and family. To grant a divorce in the former case would be socially desirable. If no divorce were granted, the wife and the visitor might live together illegitimately and raise up a family of illegitimate children. In that event the case would be in a domestic relations court long before the time arrived for a divorce from the first partner. It would be a measure of efficiency for the court and of convenience to the woman to grant a divorce under those circumstances in the same court, which has all the facts. All that is necessary is a decree, because it has jurisdiction of the parties. To make the woman go to another court is to duplicate the investigation of the facts, lose time and add to the expense of both the woman and the state. A family court should have power to dissolve marriage for proper cause.

At the same time it is efficient to dispose of the respective property of married persons by appropriate decree.

(c) Should a family court have jurisdiction over desertion, abandonment, non-support and alimony?

There seems to be little question as to this. In each case, the court which now has charge of domestic problems has jurisdiction of the above matters at the outset.

Discussion.

It seems clear that efficiency, economy and speed will attend the treatment of family problems by a single court designed for that particular purpose.

The new ideas thus far presented in this report are consolidation and extension of jurisdiction. At the present time practically all the states have given jurisdiction to their courts in the above matters. But the jurisdiction as granted has been attached to several existing courts rather than any attempt's having been made at an orderly approach to the problem they were intended to remedy.

This report substantially urges the consolidation of the existing jurisdictions into one court.

It also contends that merely to give jurisdiction in the case of divorce, non-support or guardianship is totally inefficient. If the court is expected to deal with family problems its jurisdiction should be as wide as they are. The main issue is not divorce or non-support. It is the broken family. The jurisdiction should reach to all the elements in the broken family.

IV. THE METHOD OF HANDLING THE CASE

In order to illustrate our meaning it is necessary to discuss how we believe such a court for the treatment of family problems should function.

There appear to be at least four stages in the development of a case:

- (a) The preliminary contact
- (b) The study of the problem
- (c) The decision
- (d) The treatment

In each of these, certain objectives are desirable and even imperative. To reach these objectives certain machinery is necessary and it must be handled in a certain way. We will, therefore, consider each of the portions of a case under the three headings

- (a) The objectives
- (b) The machinery
- (c) The method of using the machinery

(1) The Preliminary Contact

By this we mean the conditions under which the case first

comes to the court. We may consider here the following sources of cases coming to a domestic relations court as indicated by replies to the questionnaire.

SOURCE OF CASES COMING TO A DOMESTIC RELATIONS COURT

	Springfield	Utica	Mercer Co.	New York City	Norfolk	Shawnee Co.	Franklin Co.	Marton Co., Ind.	Boston	Union Co., N. J.	St. Joseph Co.	Providence	Jackson Co., Mo.	Milwaukee *	Baltimore
Direct application..	90	98	97	60	80	90	60	50	10%	yes	majority	39	yes		90%
Friends or relatives	1			34	10	1	2	10	10%	yes	few		15%		none
Social Welfare agencies	1		1	1	1	1	1	10	10%	yes	1/4	30	15%		assist
Legal aid organizations . . .	1			1	1		2		20%	no **	no	17	none		few
Schools, etc.	2		1	1	2	1	10	10	5%	yes	no		none		yes
Other courts	4			1	1	1	2		1%		no	8	none		
State officers	1/4			1	1	1	10	20	10%	no	some	7	none		
Local officers				1	1	4			20%	very few	some	8	none		
Federal officers									2%	no	no		none		
Hospitals, etc.	1/4			1	1	1			5%	no	no	9	none		few
Churches, etc.					1	1	2		3%	exceptional		2	none		
Local clubs and societies				1	1		1		2%	yes			none		
Business and industrial							1		2%	yes			none		
Foreign consuls										no			none		

* No record kept.

** Lawyers, yes.

(A) The Objectives.

We have two objectives,—first, to bring into court all cases which should come there for treatment, and to make the access so easy that this will be of practical value to the community. Second to keep from the court all cases that should not be there and to make it difficult if not impossible to bring a case into court from improper motives. It is quite possible for people from motives of jealousy, spite, anger or other reasons to use legal machinery for the purpose of annoying an enemy. If the procedure in a domestic relations court is used for this purpose it will be a serious detriment to the law-abiding citizen.

On the one hand an uneducated, penniless wife deserted by her husband must have ready access. On the other, the "gold digger" who is using the court to extort money from her husband under penalty of financial and social ruin must be guarded against.

(B) The Machinery.

The way to get a case before the court is for someone to go to the court and make a statement that a matter has come up into which that particular court should look. The court on the basis of such a statement supported by oath issues its commands to the parties to appear. We urge the use of a petition rather than a warrant. The petition makes the procedure equitable rather than criminal, and affects in an important degree the subsequent rights of the parties.

The problem here is (1) who may make the statement, and (2) what facts are necessary.

(1) Who may make the statement

We may limit the parties in interest to the injured member of the family. We may permit any member of the family to appear. We may admit an interested person or we may even go beyond the family and its group and permit interested social workers or others to make the statement.

It seems that the only proper solution of this is to admit anyone who has knowledge of the facts. If there is a case of smallpox in my neighborhood and I know it, there is reason for me to lay the facts before the proper medical authorities. The

reason is because the public health is more important than the convenience of an individual. In the same way if the family is disrupted the family life of the community is endangered, and anyone who knows the facts should feel obliged to report them. There will be two extremes in this. On the one hand we will see women whose husbands terrorize them to such an extent that they fear to bring a matter to the court at all. In such cases the only possibility of knowing the facts lies in the desire of someone outside to bring them to the attention of the court.

On the other hand there will be instances where officious busybodies will bring in matters for consideration. Such cases must be dealt with in the period of investigation. But to shut out facts is to play the ostrich. It is better to let in a hundred busybodies than to have one woman ill treated by her husband and afraid to tell about it. The busybody element must be controlled in other ways.

(2) What facts must be alleged?

The exact facts of each case vary so much that it is difficult to do more than indicate in a general way the nature of the problem. We must remember that this is merely the first contact. All that we are trying to do is to set forth facts sufficient to warrant the court in making the investigation.

In the great majority of cases of divorce, desertion, non-support, ill treatment, the applicant will be the injured party and will have adequate facts on which to base a case. Where few facts are available it must rest in the discretion of the interviewer as to what are sufficient. Enough facts should be required to show that the case is not merely an idle fancy. The exact point must be learned by experience.

(C) The Method of Using the Machinery.

It is clear that somebody knowing the facts comes to the offices of the court and tells those facts to someone connected with the court. Here we consider (1) To whom should the statement be made? (2) How should the interview be recorded?

(1) To whom should the statement be made?

The statement may be made to a clerk, a trained investigator, or to the judge. Practical experience indicates that a trained investigator's interviewing under the direction of the judge is

most likely to result in a selection of matters which should be taken up and rejection of improper cases. The discretion must rest somewhere. It seems that in the routine cases the judge should not be bothered. But in a few exceptional cases the judge should take personal responsibility for deciding the question; the average clerk is not expected to make the selection.

It must be remembered here that the question is only whether the individual case shall be permitted to go through the court machinery or not. No attempt is made to decide the merit of the case. All we are interested in is whether probable cause exists for examining a particular family to see whether or not it has a problem.

(2) How should the interview be recorded?

The keeping of records is a most vital matter. Three principles should rule,—accuracy, adequacy, purpose.

Accuracy means that the record should always speak the truth, the whole truth.

Adequacy requires that sufficient facts be set forth to make it possible for anyone at any time to know from the records what the case is.

Purpose means that the record keeping should be designed to a specific end. The most suitable ends of record keeping may be enumerated as (a) knowledge of the facts of the case while it is in course of being settled; (b) knowledge of the facts of the case after it is settled, for the purposes,—first, of comparison with other cases, such as may be necessary in the general field of research; second, of subsequent reference in later dealings with the same case, or members of the same family.

The specific type of records to be used should be further worked out in detail.

(2) The study of the problem

Once having accepted a case for investigation the second step is to decide how to approach the problem so as to obtain all the facts.

(A) The Objective.

The objective is to dispose of each case under one of the following headings. The classification is based on one already adopted by the Legal Aid Societies membership of the National Association of Legal Aid Organizations.

(1) *The weeding out process.*

- (a) Ruling as to case (whether case is within the jurisdiction of the court)
- (b) Ruling as to applicant (whether applicant is a non-resident or a foreigner, or in other ways not eligible for the court, as in spite cases or malicious inter-meddling)

(2) *Advice and referred cases*

- (a) Advice is given and nothing else required
- (b) Advice is given and applicant referred elsewhere for assistance

(3) *Investigated and advice given*

Here is a further step in which investigation of the case is necessary before advice can be given.

(4) *Investigated and referred to some other agency which is equipped to handle such cases*

(5) *Investigated and refused because of lack of jurisdiction or because it appears that the claimant is pressing a case improperly*

(6) *Adjusted without official court action*

(7) *Disposed of after official court action*

It is, of course, the aim of a good court to dispose of the cases to the best interests of the family.

(B) *The Machinery.*

For the purpose of thus disposing of cases it is necessary to have the judge work with the customary court officers and a staff of investigators and probation officers. Such a staff must be specially and highly trained. Perhaps the most difficult part of working out this program is to secure adequate workers.

Volunteer workers are seldom satisfactory in the long run. Political considerations often enter into the appointment of paid workers. These are problems which must be solved in each community and probably in each generation. At present we can merely indicate the outline.

Among the investigators we should find medical and psychiatric experts.

(C) Method of Using the Machinery.

Once the claim for attention has been made it is necessary to know what to do about it. Facts are necessary. If these can be secured from the applicant the matter is simplified. But in many cases the matter cannot be simplified.

Where an investigation must be conducted it should be based on thoroughness, exactness and consideration for the people who are involved.

There will be extreme cases where a husband is about to leave the jurisdiction and where immediate steps are necessary to apprehend him. But the bulk of the cases will admit of careful investigation, so that the parties may not have their personal lives dragged before the public.

Not secrecy but caution and good judgment must be the watchword of all investigation. Often the only hope of readjustment in the family lies in seeing the nerves of the parties soothed rather than irritated.

The results of the investigation must then be placed in the records of the case. The investigation will probably be read. It should cover the social, economic, physical and mental condition of the family.

The following list indicates the nature of the problems that may have to be studied. It is taken from a report of the Committee on Relations with Social Agencies of the National Association of Legal Aid Organizations.

List of Problems Leading to the Break Up of Family Life

I. Physical Problems

- A. Accident—general
- B. Accident—industrial
- C. Blindness
- D. Chronic physical disability
- E. Death of some member of the family
- F. Defective eyes
- G. Defective teeth
- H. Defective hearing
- I. Illness, chronic
- J. Intemperance

- K. Malnutrition
- L. Maternity
- M. Occupational diseases
- N. Illness, acute
- O. Old age
- P. Tuberculosis
- Q. Venereal disease

II. Nervous and Mental Problems

- A. Nervous and mental diseases suspected
- B. Epilepsy
- C. Mental deficiency
- D. Psychoses
- E. Psychoneuroses
- F. Psychopathic personality

III. Moral Problems

- A. Adult delinquency—sufficient to warrant a divorce
- B. Desertion
- C. Illegitimacy
- D. Imprisonment
- E. Juvenile delinquency
- F. Non-support

IV. Industrial Problems

- A. Insufficient earnings
- B. Unemployment of principal wage earner
- C. Unemployment of other wage earners

V. Environmental Problems

- A. Bad housing
- B. Immigration recent
- C. Second generation dependency

The foregoing list is admittedly incomplete and inadequate. At best it suggests the value, extent and nature of the investigation which should be made.

(1) The Decision.

Eventually when all the reports are in two questions will have to be answered,—have we all the necessary facts to enable us to make a decision, and what shall the decision be?

(A) The Objective.

Our purpose being to solve the domestic problems of the community it is clear that all facts which have bearing on the point of the family breakdown are not only admissible as evidence but even essential. A physician in approaching a patient is not satisfied unless he knows all the facts. In the same spirit the legal problem must be approached.

In determining what shall be done we have two possibilities. The family may be kept together or it may be broken up. Every effort should be made to keep the family together. If, however, it appears that it cannot be kept together there should be no hesitation in breaking it up to prevent an even worse condition. A similar problem faces a surgeon who is called upon to determine whether or not a malignant condition should be cut out of the patient. If the patient's leg or arm or appendix can be saved, save it. If by refusing to cut it out the surgeon endangers the life of the patient there should be no question about it.

(B) The Machinery

Who is to make the decision? In the last analysis the judge must decide. That is the reason he is judge. The first responsibility must and should be on him.

He, in turn, must rely on the reports of the various investigators, social and medical.

The problem here is to assign responsibility where the investigator may be in error. If the investigator makes a report the judge must, in most cases, accept it as final. If the report is wrong why should the responsibility fall on the judge and not on the man who made the mistake?

This is ultimately an administrative problem. The investigator who makes mistakes will eventually be eliminated from the group of workers. To prevent the effect of too many mistakes we must be careful in the acceptance of the reports. A standard of investigation must be set up, and no report which does not comply with this standard should be accepted.

The social investigation is not, however, necessarily a closed book of charges to the defendant against which he has no redress, since, through the judge's interrogation of him on issue points, his reaction may be made known—whether of acquiescence or denial. The report is, of course, subject to the same critical scrutiny by the court as the testimony of any other witness, and

the judge may safeguard his responsibility in accepting it in the same way as he protects his admission of verbal testimony.

Many social investigations for courts reject all matters of hearsay; others incorporate them, if important, with accompanying mention of the fact (when it applies) that they could not be corroborated by the investigator. Such information is often most valuable to the judge as a "lead" for interrogation, and nearly all experienced judges use such a report for its suggestive value as well as for its definite and practical information.

(C) The Method of Using the Machinery

The problem here is one of analysis. The facts must be collected from the reports, arranged in logical order, and then applied to the individuals. It is difficult to lay down any express procedure for such matters. Each case rests largely on its own facts. One would be inclined to urge an effort at reconciliation of the parties in every case were it not for the fact that in many cases the only possible solution of the problem is an immediate dissolution of the family.

But in the majority of cases the decision is something more than a question of breaking up or not breaking up the family. It is a task of education, treatment or whatever it may be called by which the defect in the family life may be cured and the family and the individuals composing it made to perform normal functions in the community.

The decision is not given once and for all in most cases. The judge will determine to try certain kinds of treatment. The effect of this treatment must be observed and if it is not adequate another solution must be sought. The procedure resembles a physician's treatment of a patient rather than the decision of a point of law which is irrevocably cut off when issued.

(4) The Treatment.

Treatment of family life in principle is not different from treatment of plant life or animal life. It involves elements of cure and prevention.

(A) Objectives.

The object is to cure the families that can be cured. The further object is to use the information gained from this work to prevent other families from falling into a condition where the members cannot keep functioning normally.

(B) The Machinery

In such a court as we propose the cure must correspond with the disease. If a family needs patient care over a long period of time that should be given it. If it needs strict judicial discipline, that should be given it.

The customary methods of thus aiding families have been acquiring names which indicate various phases of care. We speak of probation for the individual, why not for the family? We know of medical and psychiatric work for the individual, why not for the family?

The machinery to accomplish these things should include all social machinery which may aid the work in hand. At the one end stands the quiet admonition of a friend of the family, at the other stands jail for the individual and divorce for the family. In curing a family the court should have available all sorts of medical and psychiatric clinics, playgrounds, employment bureaus, sanitariums, nurses, doctors and attendants.

Some are needed to lift the family over a rough place. Others are required to protect members of the family from the ruthless action of others.

As the work expands new problems will arise which will require new machinery.

It is essential to understand that the machinery indicated here is merely suggested. No limit should be placed on the machinery which should be used provided it is designed to save the family.

Educators, social workers, and specialists in all fields should be freely consulted by the family and judge and his assistants. Methods of dealing with cases should be tentative until a better way appears.

(C) Methods of Using the Machinery.

Results will usually follow cooperation between the family and the court. To secure such cooperation is the most important single act. For that reason the personnel of the court should be selected on the basis of qualifications for the job and on that basis only.

In addition to cooperation there should be patience and understanding to an unlimited degree. We hold a family court responsible for the families in a community. Its only method of discharging its obligation is to do a good job.

At the present time the existing facilities are inadequate to a certain extent in some of the communities from which replies came.

(a) As to the extent to which agreements or conciliations are arranged between the parties without a formal court hearing. Duluth, Minn., reports no such agreements. Boston says 50 per cent; Union Co., N. J., says 75 per cent; St. Joseph Co., Ind., says to a very slight extent; Baltimore—frequently; Minneapolis—frequent for first and minor offenses; Richmond says to a limited extent; Providence reports that they are tried by the state probation officer; Milwaukee reports a majority of agreements reached without court hearing; Jackson Co.—very few.

(b) As to whether social investigations are made prior to disposition.

<i>Yes</i>	<i>No</i>	<i>Seldom</i>
Mercer County, N. J.	Duluth, Minn.	Shawnee County,
Boston, Mass.	Polk County, Iowa.	Kansas.
Minneapolis, Minn.	St. Joseph County,	
Union County, N. J.	Indiana.	
Baltimore, Md.	Providence, R. I.	
Richmond, Va.		
Milwaukee, Wis.		
Jackson Co., Mo.—		
only in Juvenile		
Court.		

(c) and (d) As to whether or not sentence may be suspended and defendant placed on probation.

Boston, Mass., says yes.	Providence, R. I., says no as to sus-
Jackson Co., Mo., says yes in Juve-	pending sentence, but yes as to
nile Court.	probation.
Union County, N. J., says yes.	
Minneapolis says yes.	
St. Joseph County, Ind., says yes.	
Baltimore says yes.	
Richmond, Va., says yes.	
Milwaukee, Wis., says yes.	

(e) As to whether the courts should have any latitude in making orders to promote the welfare of the parties.

Boston says yes.	Providence, R. I., says no.
Baltimore says yes.	
Union County, N. J., says yes.	
Jackson Co., Mo., says yes in Juve-	
nile Court.	
St. Joseph County, Ind., says yes.	
Minneapolis says yes.	
Richmond, Va., says yes.	
Many do not answer.	

(f) As to what measures of support the court may enforce upon the husband or father.

Boston—Court may enforce orders for periodic payments.
Jackson Co., Mo.—Circuit and Juvenile Courts require what is reasonable.
Union County, N. J.—In discretion of court.
Baltimore—To live with and support or to provide funds. May require bonds and may sentence.
St. Joseph County, Ind.—Threat of revoking suspension of sentence.
Richmond, Va.—Imprisonment, bond and convict road force with remuneration for service from state.

(g) In the absence of the father or husband, what means may be used to bring him before the court?

Baltimore—Warrant.
Boston—Capias or warrant.
Minneapolis—Sheriff will execute warrant, if extradition secured.
Union Co., N. J.—Subpoena.
Jackson Co., Mo.—Summons if party is within the state.
St. Joseph County, Ind.—He may be brought back, if found, at public expense.
Richmond, Va.—Warrant or arrest and summons.
Providence, R. I.—Capias or extradition.
Milwaukee, Wis.—Abandonment warrant.

(h) If the husband or father continues to elude the jurisdiction of the court, what means may be employed to take over property in his name for the support of wife and children?

Duluth, Minn.—no means.	Boston, Mass.—levy may be made.
Shawnee County, Kan.—no means.	Union Co., N. J.—legal proceedings.
Providence, R. I.—no special remedies.	St. Joseph Co., Ind.—judgment in rem.
Norfolk, Va.—no means.	Richmond, Va.—divorce and decree as to property rights.
Jackson Co., Mo.—amount for reasonable maintenance of mother and children.	Milwaukee—declare him dead and take property.
Minneapolis—(1 case) divorce only with lien against property in lieu of alimony until husband's share is gone.	Baltimore—property is liable.

(i) If husband or father is imprisoned, does state make return to family for his labor?

No	Yes
Tulsa, Okla.	Boston, Mass.—small weekly allowance.
Jackson Co., Mo.	Richmond, Va.—only in non-support cases.
Mercer County, N. J.	Providence, R. I.—\$5.00 a week in deserving cases.
Baltimore, Md.	Milwaukee—mothers' pension.
New York City	Minneapolis—yes, return slight.
King's County, Wash.	
Shawnee County, Kan.	
Union County, N. J.	
St. Joseph County, Ind.	

(j) May court postpone marriage ceremony?

No

Mercer County, N. J.
Baltimore, Md.—only criminal
action against either party.
King's County, Wash.—for fraud.
Minneapolis, Minn.
Montgomery County, Ohio.
Norfolk, Va.
Duluth, Minn.
Boston, Mass.—except in case of
minors.
Union County, N. J.

Yes

Richmond, Va.—by injunction only.

(k) May court prevent marriage ceremony?

No

Mercer County, N. J.
Jackson County, Mo.
Duluth, Minn.
Boston, Mass.
Union County, N. J.
St. Joseph County, Ind.
Providence, R. I.

Yes

Richmond, Va.—on account of age,
mental condition, physical condi-
tion.
Baltimore—on account of age and
mental condition.
Milwaukee, Wis.—on account of age,
venereal disease in men, but not in
women, other disease.
Minneapolis—Juvenile Court sends
wards to institutions to prevent
marriage. Prevents marriages of
mental defectives; also venereal
disease.

(l) May court attach conditions to divorce?

No

Shawnee County, Kansas.
Jackson County, Mo.
Polk County, Iowa.
Minneapolis, Minn.
Boston, Mass.
Providence, R. I.
Milwaukee, Wis.

Yes

Union County, N. J.
Baltimore, Md.
St. Joseph County, Ind.
Richmond, Va.—in case of adultery
only.

(m) What offenses are extraditable?

Boston, Mass.—All criminal offenses.
Jackson Co., Mo.—None except abandonment and assault.
Union Co., N. J.—Desertion and abandonment.
Baltimore, Md.—All in criminal court. Misdemeanors must be within
one year, one day, from commission.
St. Joseph Co., Ind.—Desertion, abandonment, failure to provide, assault
and battery, non-support.
Richmond, Va.—Desertion, abandonment, non-support.
Providence, R. I.—Non-support.
Milwaukee, Wis.—Non-support, desertion and abandonment.

V. SOME GENERAL OBJECTIONS TO THE IDEA

A family court must run the gauntlet of two sorts of objections. Some of these may be listed as follows:

(1) *General Objections.*

It will be urged that

- (a) This is a new means of establishing political office.
- (b) That the old method is practically sufficient.
- (c) That the plan is paternalistic.
- (d) That it is too expensive.

(2) *Legal Objections.*

- (a) That it violates the right of trial by jury.
- (b) That it presents an inquisitorial procedure rather than a litigation.
- (c) That it violates rules against evidence.

(1) *The General Objections.*

Every new proposition is met by certain standard objections which are based on the idea that all is well and we should not change. The only way to handle such objection is to demonstrate facts. If we can demonstrate that a real need exists we can count confidently upon the American people to supply a remedy.

It is true that many new projects are undesirable. The only answer is that every once in a while you come across a project that is urgently needed. If you play ostrich to it you deny the community a benefit to which the facts entitle it.

Political considerations, expense, paternalism, are all war cries of the conservative. If the facts show that the new machinery is needed it should go forward. We must, therefore, approach the problem from the facts. We must learn the extent of the need, the inadequacy of the existing system and the hardships resulting therefrom. If these facts are made clear the enterprise will succeed.

If we can demonstrate that saving families outweighs the expense of the present antiquated machinery the burden of proof shifts to the shoulders of those who oppose the plan.

The questionnaire requested a statement of any constitutional or other objections that might arise in endeavoring to establish a family court.

Jackson Co., Mich., reports that such a court is not authorized under the constitution.

Jackson Co., Mo., reports that there is no provision.

Providence, R. I., reports that a constitutional amendment may be necessary.

Baltimore, Md.—If new court, a constitutional provision.

Lincoln, Neb., reports that the constitution gives the court jurisdiction of guardianship matters.

Other than this no mention of any constitutional objections appear. Among other objections we note the following:

Norfolk, Va.—Probably none except that Juvenile and Domestic Relations Courts are not courts of record.

Baltimore—Political; usual objection to new methods.

Franklin Co.—Constitution gives Probation Court jurisdiction in appointment of guardians and settlement of accounts.

Jackson Co., Mo.—None.

Marion Co., Ind.—Too much business for one court unless references are used. (There may be another solution—adding other judges.)

Boston—Departure from custom and present distinctions between civil and criminal cases.

Providence, R. I.—Complete reorganization of our courts.

(2) The Legal Objections.

More serious are the legal objections. There is no answer to the right to trial by jury except to provide it in some form or other. There is no reason to object to an inquisitorial procedure provided the right of trial by jury is granted. There is no reason to object to admitting all the facts about the case unless as a result a man is unjustly deprived of his liberty.

The practical value of no rules of evidence is that the defendant cannot escape his just deserts by any trick. On the other hand we must not let the matter go to the point where he is required to incriminate himself.

Probably the answer is to gather all the facts, and then if a trial by jury is demanded to allow it to proceed along technical lines if necessary. As a usual thing no trial by jury will be required and even if it is, the evidence may not be of such a sort as to incriminate the defendant.

The following statements raise the question of trial by jury as an objection to having a family court established:

It would have to provide for jury. Jury seldom used in Maryland—Baltimore.

It is admitted that in most such cases now there is no trial by jury—New York City.

May be demanded in contributing to delinquency—Jackson Co., Mo.

Minors have no right to trial by jury—Franklin County, Ohio.

The other comments raise the question but do not indicate

any insuperable obstacle if the right of trial by jury is given to those who require it.

VI. CONCLUSION

Three matters will be considered in conclusion. (1) The question as to whether a family court should be a separate court or part of an existing court; (2) the question as to whether a family court should be a court of superior jurisdiction; (3) the conclusion.

(1) Should a Family Court be a Separate Court?

The modern tendency to simplify legal machinery indicates strongly the value of not establishing new courts. It is urged that we simplify legal machinery by making the family court a part of other courts. In a large community where cases are numerous it may be necessary to have a separate establishment. In a small community a single court with departments is the logical step.

In view of the interrelation of adult family problems with juvenile problems and the development of juvenile courts it appears very much in order to suggest the combination of juvenile and family courts wherever possible.

(2) Should a Family Court be of Superior Jurisdiction?

This raises several questions. Should it be a court of record, should it rank with the regular trial courts in dignity, should it receive its judges from the best qualified members of the bar?

To all of these questions we reply in the affirmative. We expect to hold this court responsible for a good job. If we hamper it by making it a court of inferior jurisdiction we stultify our own efforts.

The most essential factor is the selection of a judge qualified for the work. It is silly to select an inefficient person for a position which can only be filled by men or women of the very highest type. It should be remembered that more cases will go through this court than through the highest court of the state. More people will get their idea of justice from this court than from the highest court in the state. It should be a matter of pride to us that the court is of the best.

(3) The Conclusion.

The foregoing statements are an introduction to the model

statute which is being prepared. It is likely that many corrections and changes will be made in the text of the statute. It is certain that all its provisions will not be required in every state.

The first problem is to have it examined in the light of the best practical experience of the present day.

When the text is approved by those in a position to know, it may be recommended to communities which feel the need of a court and desire some information as to the basis upon which it should be built.

Committee members are anxious to have the matter proceed slowly and accurately. There is still much to be learned in the field of domestic relations. If the machinery is developed too fast and too rigidly we may hamper the next generation. A careful and tolerant consideration should be the present guide.

REPORT OF THE COMMITTEE ON RECORDS AND STATISTICS

FRANK S. DROWN, *Statistician, Municipal Court of Philadelphia, Chairman*

The Committee on Records and Statistics has completed its fifth year of activity in the work of standardizing probation records and statistics.

During the first year a survey was made of the whole problem and a comprehensive report made at the Washington conference in 1923.

During the second year tentative record forms for juvenile and adult probation were adopted and recommendations made that the committee be authorized by the Association to prepare a statistical handbook for the use of probation departments, and to engage a full-time secretary provided the money could be obtained by the committee. The need for such a handbook had been demonstrated during the survey made by the committee during the previous year but the task of preparation was too much to expect from the volunteer services of the committee, all of whose members were carrying heavy professional responsibilities.

During the third year, definite efforts were made to interest several large foundations in the proposition of a handbook on probation records and statistics, without success. In addition to this work the committee held four meetings and completed the preparation of a set of record forms to be used in the probation departments of juvenile courts.

During the fourth year the committee prepared sets of instructions to accompany the record forms for probation departments of juvenile courts and prepared tentative record forms for adult probation departments. The committee also coöperated with the United States Children's Bureau in its effort to work out a plan of uniform recording and reporting by the juvenile courts of the United States of a few essential facts with a view to making available comparable current statistics on child delinquency, dependency, and neglect. The Children's Bureau assigned one of its representatives to devote full time to this work and a great deal of time was also given by the assistant

chief of the bureau, Miss Katharine F. Lenroot. Later in the year and just prior to the 1926 conference at Cleveland, the bureau issued its bulletin on Juvenile Court Statistics (Publication No. 159). This bulletin contains an introductory statement of the purpose of juvenile court statistics and the methods by which they may be obtained and a description of the plan proposed by the Children's Bureau, with the outlines of the statistical cards to be used and the tables to be compiled. This undertaking on the part of the federal government relieved the committee of the most difficult task it had before it—juvenile probation statistics.

During the fifth year, ended May 11, 1927, the committee held only two meetings, although a large amount of correspondence was carried on by the chairman and the secretary.

The program laid out at the beginning of this year was as follows:

1. Circularize those probation officers who have used or received copies of the juvenile record forms prepared by the committee asking for suggestions and criticisms and on the basis of these decide upon such revision as may be deemed advisable preparatory to the printing of a second edition. This was done by the secretary of the committee. Several suggestions for changes were received, some of which were adopted, and a second edition of the juvenile record forms and instructions was printed and made ready for distribution at this conference. The adult probation record forms were also finally approved by the committee and have been printed for distribution and sale by the National Probation Association. The adult probation record forms suggested by the committee have been adopted and are now in use by the United States courts.

2. Prepare instructions for use with the adult probation record forms. This work was also done by the secretary.

3. Consider the question of a uniform court docket and method of recording court cases in juvenile courts. Some work was done on this subject and a suggested form was submitted to the committee by the secretary based on the docket used by the Children's Court of the City of New York, which appeared to the committee as the best form of juvenile court docket in use at the present time. Final decision on this subject was postponed until after the annual conference at Des Moines.

4. Study the need for other forms required by probation officers. This subject was also postponed until 1927-28.

5. Study the question of statistical cards and sheets for adult probation and draw up recommendations for tables and other data to be presented by probation officers with their annual reports. During the summer of 1926, the General Secretary of the National Probation Association and the Director of the Committee on Criminal Records and Statistics of the American Institute of Criminal Law and Criminology worked together on this subject of adult probation statistics and the proposed plan was adopted with some slight modifications by the United States Bureau of the Census and published in a pamphlet issued early in 1927, entitled "Instructions for Compiling Criminal Statistics", which is a manual for a unified system of statistics for all of the agencies concerned in the administration of criminal justice. Six pages of this pamphlet are devoted to statistics of probation departments dealing with adult probation. Other chapters deal with statistics of prisons and reformatories, parole agencies, jails and workhouses, police departments, courts, and prosecutors. This manual has been before the committee but final action was postponed until next year.

Thus the tasks to which the committee assigned itself five years ago under the chairmanship of Mabel Brown Ellis have in large part been accomplished, partly through the generous contributions of time and effort on the part of its members, and partly through the assistance rendered by the United States Children's Bureau and the United States Bureau of the Census.

The committee recommends that it be continued in order that it may finish the tasks which still remain.

REPORT OF THE COMMITTEE ON RUNAWAY CHILDREN

NANNIE OPPENHEIMER, *Director Complaint Department,*
Juvenile Court, Pittsburgh, Chairman

At the last annual meeting of the National Probation Association the Committee on Runaway Children was continued, and this year the following report and recommendations are submitted. The achievements of the committee have been modest; plans remain to be developed to deal helpfully with the runaway problem.

The following questionnaire was sent to 168 Juvenile Courts throughout the country, replies being received from 49 courts:

QUESTIONNAIRE ON RUNAWAY CHILDREN

Submitted by THE COMMITTEE ON RUNAWAY CHILDREN of the
NATIONAL PROBATION ASSOCIATION

For this study, the committee has agreed upon a definition of "runaway" as follows:—those boys and girls who live outside the jurisdiction of the Juvenile Court where they are apprehended, and who apparently left home without the knowledge or consent of their parents or guardians.

1. Nos. Runaway children dealt with in your court during 1926:

	<i>Officially</i>		<i>Unofficially</i>			<i>Officially</i>		<i>Unofficially</i>	
	Boys	Girls	Boys	Girls		Boys	Girls	Boys	Girls
Jan.	July	....	....	....	....
Feb.	Aug. ....	....	....	....	....
Mar.	Sept. ....	....	....	....	....
Apr.	Oct. ....	....	....	....	....
May	Nov. ....	....	....	....	....
June	Dec. ....	....	....	....	....

2. Nos. Runaways (wards of court) returned to jurisdiction of other Juvenile Courts..... Boys Girls

3. Nos. Runaways (not wards of court) returned to jurisdiction of other Juvenile Courts.....

4. Nos. Runaways returned to parents or guardians.....

5. Nos. Runaways meeting other dispositions.....
 (Specify other dispositions here).....

6. Nos. Runaways whose return transportation was paid by Juvenile Court of destination.....

7. Nos. Runaways whose return transportation was paid by parents or guardian.....

8. Nos. Runaways whose return transportation was paid
by your own court..... ..
9. Nos. Runaways whose return transportation was paid
by other agencies..... ..
- (Specify other agencies here)..... ..
-
-

CAUSES OF RUNAWAYS:

(Please give here the stated reasons in all cases, with the number of cases to which the different reasons apply, and add your opinion of the correctness of the reasons given. From the experience of all it is hoped to accumulate information of value. Use supplementary sheets if necessary).

Boys

Girls

..... ..

..... ..

..... ..

Suggestions from you which you judge will enable Juvenile Courts to deal more helpfully with runaway children. (Use supplementary sheets if necessary):

..... ..

..... ..

Signed..... ..

Title..... ..

Address..... ..

With few exceptions, Juvenile Courts did not answer all of the questions submitted, and many qualified the answers, which made it difficult to summarize. The extent of the problem among the 49 courts which did answer is shown in the following table:

THE EXTENT OF THE PROBLEM AMONG FORTY-NINE COURTS

Action	Nos. Courts	Boys	Girls	Total
Wards of other courts, returned.....	12	87	..	...
	8	..	27	114
Children referred to courts of jurisdiction	7	110	..	...
	6	..	25	135
Children returned to parents and guardians.....	15	372	..	...
	14	..	95	467 ¹
Other dispositions made.....	23	..	..	...
Return transportation paid by court....	10	70	..	...
	7	..	14	84
Return transportation secured by court	16	126	..	...
	15	..	80	206

¹ Some of these unofficially handled.

TOTAL CASES HANDLED						
Officially			Unofficially			Both
Boys	Girls	Total	Boys	Girls	Total	
466	136	602	538	135	673	1275

The reasons given for boys' and girls' leaving home were numerous; "home difficulties" was given oftenest for both boys and girls, and "to see the world" for boys. Until an intensive study is made of "runaways", no one can definitely state the real reasons why they leave home. It is probably true that many factors enter into the act, and that there is no single cause, in the vast majority of cases. The committee recommends that a number of Juvenile Courts in different states throughout the country be asked to compile statistical and other data during 1928.

The following form of agreement concerning runaway children was sent to 168 Juvenile Courts throughout the country, and replies were received from 49 courts as indicated on the form below:

**FORM OF AGREEMENT REGARDING THE TREATMENT OF
RUNAWAY CHILDREN**

Submitted for the endorsement of Chief or representative Probation Officers of Juvenile Courts by the Committee on Runaway Children of the National Probation Association.

(Please put your answer or an expression of your opinion in the space provided at the end of each query, and return to the Association, 370 Seventh Avenue, New York City).

Will You Agree—

- (a) To endeavor to secure return transportation for runaway wards of your court, and also for runaway children residing in the jurisdiction of your court, when request is made by other Juvenile Courts or local authorities—arranging for payment with the child's parents or guardians or with your own court or other agency?.....49 courts said yes
- (b) To return runaways to their own homes or the jurisdiction of the Juvenile Court where they reside, *unless* it is clearly established that it is against the best interests of the child to be returned to the home from which it has run away?.....44 courts said yes.
- (c) *Not* to return runaways to other courts or supposed homes before it is clearly established that the children belong there?.....39 courts said yes.
- (d) To endeavor to secure maintenance for an out-of-town runaway while he is in your care, either from his parents, guardians, or an agency in

- his town, or from the Juvenile Court of his community if he is a ward of it—thus to avoid placing the obligation of his maintenance upon your own court or community?.....30 courts said yes.
- (e) To ask juvenile courts rather than other agencies to make investigations concerning runaways?.....33 courts said yes.
- (f) To notify the home Juvenile Court in addition to parents, guardians, or others of the whereabouts of runaways; and, where there is no juvenile court, to notify local authorities or a suitable agency, *if it seems advisable*, in addition to parents or guardians?.....38 courts said yes.
- (g) To take utmost pains to safeguard runaways during their return trip by securing the cooperation of Travelers' Aid Societies, other welfare agencies, railroad officials, or police unless the child is accompanied by a trustworthy adult person?.....37 courts said yes.
- (h) To enlist active cooperation and interest of local authorities and agencies in dealing properly with the suspected runaway at first point of contact?.....35 courts said yes.
- Signed.....
- Title.....
- Address.....

The committee recommends that efforts be made to enlist the interest of Juvenile Courts throughout the country in the adoption of this agreement. A letter was sent with the questionnaire and agreement which contained the following suggestions:

"Police and railroad officials should be impressed with the importance of referring children who seem to be strays or runaways to the Travelers' Aid Society or other suitable agency or the Juvenile Court. Intelligent questioning will often prevent a would-be runaway from leaving. Policewomen should be assigned to cover all railroad stations in the communities that employ them. Runaways should be taken direct to the detention rooms of the Juvenile Court instead of to a police station, and the first contact with them should be made by Juvenile court authorities whenever practicable. When there is no detention home, other arrangements should be made in lieu of holding runaways in police stations.

"Public officials and others who are abroad in the community a great deal should be asked to look out for children hiking under suspicious circumstances.

* Following specific suggestions in accompanying letter.

"Railroad officials should be asked to refer children who attempt to purchase tickets alone or under suspicious circumstances, to the Travelers' Aid Society, the Juvenile Court, or some other suitable welfare agency, or to the police."

The plans for publicity are extensive, and their endorsement by the Association is asked. An alarming number of runaway children are assisted by motorists, who through mistaken kindness, transport them for long distances from their homes. According to the statement of the Chief of the Bureau of Missing Persons of Pittsburgh, nearly 900 children between 13 and 15 years of age ran away from their homes in that city during 1926, and most of them were aided by good natured but thoughtless motorists. *The Keystone Motorist*, the largest magazine of its kind in the country, in its May issue requested persons driving in automobiles not to transport children, but to cooperate with the National Probation Association in breaking up the practice. We hope to reach every motorist in the country. Publicity through the press, the radio, appeals to clubs and associations, and feature stories in magazines have been suggested. The committee will ask to be supplied with true stories of runaways which can be effectively used.

For some time the establishment of a Bureau of Identification in the Department of Justice for minors under 21 years of age for the acquisition, classification and preservation of identification records, and their exchange with states, cities and other institutions has been urged from several sources. The chairman of the committee made this suggestion to John Edgar Hoover, Director, Bureau of Identification, Department of Justice, in March of this year. Mr. Hoover expressed interest in the proposal "if the plan referred only to children who have been brought before the Juvenile Courts of the various sections of the country, rather than all children". Other members of the committee disagreed as to the advisability of the establishment of a Bureau either for all classes of minors or for those who were wards of Juvenile Courts. Therefore a recommendation is made that further study be made of the subject, before action is taken.

OUR WORK

REVEREND ROY H. BROWN, *Pastor, Center Christian Church,
Des Moines, Iowa.*

This afternoon I am not going to talk to you from a scientific or technical standpoint. What I do want to come to you with, is this subject that was assigned to me.

I have wondered how our work was similar, how we had things in common. Last night as I read over some of the reports of your presidents I began to realize as I never had before how our organization, the church, and your probation association were not dissimilar organizations, but that truly this afternoon I could stand before you and say that our work is one.

You know, as a minister, believing in the redemptive processes of the world, I am certainly glad to say and to have it understood that this is "our work". It would be a sad thing for the world, for Christianity and for your probation work if we felt that our work was dissimilar and was drawing us apart one from the other.

I think you can see the unity of the work and that the work is ours in common because our ideas are one. As you think in terms of your ideals and your aims, you are talking about redemptive processes, you are thinking about restoration. Those are ideals and aims that have always been the aims of the church. As I sat in conference yesterday afternoon and heard you speak those ideals and aims, I felt as though I could put out my hand and say, "That is our work."

All through the history of the church, and through the history of the Bible at any rate, we find this thought that you are constantly impressing and emphasizing in your convention, this thought of elevating society, of redeeming society, of rehabilitating society in the very best and highest way. So we can say not only that we have ideals and aims in common, but that we have a common language that we speak. When I come among you and listen to you speaking from your information, I do not need to have your language interpreted to me nor does any churchman who is athrob and alive with the great vital problems of the day, who is thirsting to do his part in the world's work.

Your language is our language. We are talking about adjustments, we believe in sympathy, we want to do away with fear and inequality, we believe in rehabilitation,—that is our language. It is our language when we say, “A bruised reed shall He not break, and smoking flax shall He not quench, till He send forth judgment unto victory”, and “All day long I have stretched out my hand to disobedient people.”

Why friends, your language is my language, we need no interpreter, and God pity the day when we do not speak the same language, when the vernacular of one organization is not the vernacular of the other. We also have the same methods. Your method is an individual method. It is a sympathetic attitude, a personal way, and when the church has made a mistake at all it is when it has indulged too much in mass movements and forgotten the individual. We believe, as our Lord has pointed out, that the individual is the one we have to work through and to touch and to rehabilitate. When Jesus came into this world he decided to get followers, and he began to work with Jews, he took men who needed rehabilitation, men whose thought and outlook were narrow, fanatical, little and bigoted. He took James and John, we can say he took youth and old age. He took Peter and Andrew, the enthusiastic and the conservative fellow. He took Philip and Bartholomew and all the others who came to him. Our methods are the same. Your methods have to be the same. Our work is one in this cause, and then you catch the meaning of Browning's words:

“ Not on the vulgar mass
Called ‘ work ’ must sentence pass,
Things done, that took the eye and had the price;
O’er which, from level stand,
The low world laid its hand,
Found straightway to its mind, could value in a trice:

But all, the world’s coarse thumb
And finger failed to plumb,
So passed in making up the main account;
All instincts immature,
All purposes unsure,
That weighed not as his work, yet swelled the man’s
amount:

Thoughts hardly to be packed
Into a narrow act,
Fancies that broke through language and escaped;
All I could never be,
All, men ignored in me
This, I was worth to God, whose wheel the pitcher
shaped."

That is our attitude and it has to be your attitude. If the church is going to work for humanity and for the world, and if you are going to work with the church, friends, there has to be a triumphant pulling together, and as I look into your faces this afternoon I feel we are one in this movement, we are all probation officers under the great Chief Probation Officer.

I cannot read my Bible, friends, without realizing that it is filled with God's redemptive love. It is filled with His mercy, His putting men on probation and saying, "I will give you another chance, I will be considerate of you." He is One Who makes allowances, and so this afternoon I like to think of this organization and the church all working together, united, harmonious, under our great Probation Officer,—God Himself. Oh, He is our Chief. If we can put aside little narrow theological differences that separate mankind one from the other, then it is not hard for us to work together with our Lord.

Perhaps there is a thought in the minds of a good many people that the church and ministry have not done their share in this work in which you are interested. I dare say that is true of a great many, yet I believe that just now if you will study the trend of churches in our cities you are going to find that the ministry is awakening to the larger and finer things and is ready to say of your work, "This is our work."

Now you may have felt that the ministers and the church have been pulling apart from you. If the church has not felt that this was its work, then the church made a mistake but I think you are going to find, if you analyze the situation, that the preaching and the methods have been changing. I think it is Dr. Brown of Yale, who says something like this: that you could notice years ago that formerly it was about 75 per cent hell, 20 per cent heaven and 5 per cent life. Then there came a decade when it was 75 per cent heaven, 20 per cent hell and 5 per cent life, and now that it is 90 per cent life, 10 per cent heaven and no hell at all.

Well, we can put a hell in there with it in this way, that is, if you don't try to make a heaven here on earth and if you don't line up with organizations, and the church doesn't line up with people like yourselves that are trying to do this work, then it is hell, but we are going to line up with you and do the work.

The manager of one of the Bell Telephone Exchanges told me this story about how people wanted to live rather than go to heaven. He said that it was at a revival meeting and mourners were coming up in great numbers and they were shouting, and the preacher was saying, "Lord bless you", and a man from the West said, "You know I don't believe they want to go to heaven, they are regular hypocrites."

The preacher said, "Oh, yes, of course they do."

This hard-boiled westerner said, "I can prove to you that they don't want to go to heaven." In about two seconds when they had all come up to the platform the westerner pulled out a six shooter and said, "Any of you boys want to go to heaven, stand up." And not a one stood up.

Now, we believe, of course, in the life beyond, but our work is a redemptive work, to make men live a life so wonderful and fine that they are going to be prepared for the larger life whenever it comes. Our best chances of cooperation lie in this fact, I think, that the church and the probation association are going to find that they ought to delegate to each other certain work, one kind each to the other.

For I do not think that any preacher, with all the work he has to do, can ever enter deeply enough into the probation scheme to be a technician. I notice that your president in his standard of excellence has said that one probation officer ought to have only fifty under him. Now I have nearly 1500 people over me, and how can I be a real technician and do the work that ought to be done? Of course, they are not all real probationers, some of them are Presbyterians, haven't gone bad, but it is really a task. You, the experts, you come to me and say: "Preacher, I have had this from experience, I know what can be done, what ought to be done, now I want your backing. I want not only your prayers but I want you to create proper public opinion, I want you to make known values and to help make men. I want you to get behind this great movement."

Then I would like to say this to you, as I say it as well to the preacher: "It needs the spiritual attitude."

I do not know of any works that are harder than your works.

I know, because I too have to go into very many homes just as you have to go, and the thing that I have to guard against is becoming mechanical, doing this thing in a humdrum sort of way. I need a constant inflow into my life of spiritual values, so that whenever I meet a case I can feel that here is a soul to reach individually, to save, and to redeem for society.

Every time we meet a case we ought to feel, if we can, the things we admire in a man. Often when a message comes to me to deliver, life seems an illusion, the world lies bare, the fields, the city and the rivers melt, and there live only the souls that I see; slaves who should be free, bondsmen who should be kings. Then an intolerable longing rushes through me as through a trumpet to cry out and save them who perish. That is my attitude, friends, and I do not see how you or any of us can do such work as ours without having spiritual vision. We are both misunderstood by the world. The world is dense, but we are one in its cause.

The Judge here told me this story while we were sitting together. He had a Swede come into his court and the Swede could not quite express how the man looked who had assaulted him, and the Judge said, "Don't you remember anything about him at all?"

The Swede said, "No. Well, Judge, he had a head about as long as yours but not so thick."

The public has that attitude, my brethren. We have to have patience and we can work together and that is the thing we want to do, and may I say just this, that the thing we are trying to do and the thing our cities, our communities, and the country are asking us to do, is to make of these boys and girls such men and women as can take their places in the state and in the country. Guard the nation and the world is saved.

" Give me men to match my mountains,
Bring me men to match my plains,
Men with empires in their purpose
And new eras in their brains."

We are going to have hard times. As I listened to you yesterday afternoon I surmised that it was not all smooth sailing. There are problems to overcome and attitudes to create, there are some difficult personalities to touch and reach and change. Yet we can accomplish these things by working together, filled

with God's spirit. Some words of Babcock's have always been a great challenge to my ministry and I think they may be to yours. They are something like this:

“ Be strong!

We are not here to play, to dream, to drift,
We have hard work to do and loads to lift;
Shun not the struggle, 'tis God's kindest gift,
Be strong!

Say not the days are evil, who's to blame?
And fold the hands and acquiesce in shame;
Stand up, speak out, and boldly in His name;
Be strong! ”

THE NATIONAL PROBATION ASSOCIATION

is working for just and effective treatment of delinquency and prevention of it.

All readers concerned or interested in the improvement of probation and social court work are invited to become members. Every member receives the Annual Proceedings of the Association, the bi-monthly Bulletin, and other publications issued from time to time, and is kept informed of the progress of the work.

The minimum fee for membership is \$2.00 a year; for contributing membership, \$5.00; supporting membership, \$10.00; sustaining membership, \$25.00; patron membership, \$100.00; and life membership, \$1,000.00.

The Association is supported by membership dues and by contributions. Large contributions are required to meet the many needs in its field and requests for assistance. Such gifts to the Association are deducted from income tax returns in accordance with the provisions of Section 214 of the Revenue Act of 1924.

Address the

NATIONAL PROBATION ASSOCIATION, INC.

370 Seventh Ave, New York City

Make checks payable to Henry de Forest Baldwin,
Treasurer.

FORM OF BEQUEST

I devise and bequeath to the National Probation Association, incorporated under Article Three of the Membership Corporations Law of the State of New York, to be applied to the benevolent uses and purposes of said Association and under its direction (Here insert description of the money or property given).

